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THE GOVERNMENT OF THE NEW ENGLAND STATES

WILSON R. BUTLER

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THE GOVERNMENT OF THE
NEW ENGLAND STATES

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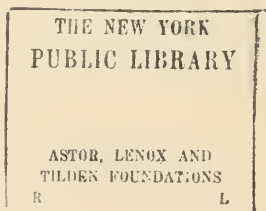
BY
WILSON R. BUTLER, A.M.
HEAD MASTER, HIGH SCHOOL, NEW BEDFORD, MASS.

WITH MAPS

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PREFACE.

ALL agree that in a republic like ours there is urgent need that every citizen know something of the government under which he lives, something of its functions, of its history, of the principles underlying it, and, particularly, of his personal relation to it. There is also universal agreement that this study of government and this training for citizenship should form one of the important branches of study in our elementary schools. This is evidenced by the trend of the discussions heard at educational meetings and among citizens generally throughout the country, by the appointment of committees by educational societies to consider courses and methods in the subject, by the organization of civic leagues for the express purpose of promoting civic instruction in our schools, and by the appearance of many elementary text-books designed for use in the grammar schools.

Most of these text-books have attempted to cover the United States, and, therefore, in the treatment of all except the federal government, have been obliged to limit themselves to generalities. Those which have dealt with the government of a single State have proved unsatisfactory because of their tendency to leave the pupil with a narrow and imperfect view of his own local and State government.

In the following text, which deals with a group of States whose governmental machinery and practice have, so to

speak, a family resemblance, it has been possible to avoid both these objections.

Comparison, of past government with present, and of the present systems of government in the six States with each other, is a dominant note throughout the book. The plan has been to make general statements concerning the forms of government and the practice found in the majority of these States, and then to note divergencies. This comparison, this noting of resemblances and pointing out of differences, serves to arouse and sustain the pupil's interest; and it helps to give him a grasp of the details of his own local and State government. John Fiske says, "It is impossible thoroughly to grasp the meaning of any group of facts, in any department of study, until we have duly compared them with allied groups of facts."¹ Comparison has a practical value in its power to open the pupil's mind to the fact that in government as in other things there are different ways of arriving at the same results, and in its tendency to leave with him the idea that there is a *best way*, which may or may not be that of his own town, city, or State. Such comparison, then, should tend to bring about the general adoption of the best forms and practices of government found in any communities, and thus assist in the improvement of government; it should tend also to make the future citizen tolerant and broad-minded, and thus help to raise the standard of citizenship.

In attempting to deal at comparatively close quarters with government as found in six States, the author can scarcely hope to have escaped error in some matters of detail. Furthermore, local government is everywhere and always subject to change, a fact which renders accuracy

¹ In preface to "American Political Ideas."

in matters of detail impossible for any long period of time. The author will therefore be very grateful to any who will call his attention to errors or omissions.

The author wishes to express his thanks to Miss Mabel Hill of the Lowell State Normal School for a critical reading of the proof, and to Miss Lydia J. Cranston and Miss Amy S. Rhodes of New Bedford High School for criticism of the English and the preparation of the index.

WILSON R. BUTLER.

APRIL, 1905.

SUGGESTIONS TO TEACHERS.

EVERY teacher feels the necessity of having somewhat definite ideas about the aim (or aims), the scope, and the method of the instruction which he is giving. Since there is some doubt that there is yet a consensus of opinion among teachers of civics regarding these points, I venture to offer the following statements, which will serve as a basis for such amendments as each teacher may like to make.

The *aims* of the teaching of civics in our elementary and secondary schools are :—

1. To train the mind. (Civics has this aim in common with other subjects.¹)
2. To develop political intelligence.
3. To interest the pupil in civic duty, and, through his participation in school life, to train him for its exercise when school days are over.

Scope :—

1. Actual government as found in town, city, county, State, and nation.
2. So much of the history of government as is necessary to explain present conditions.
3. So much of the theory and principles of government as is needed to establish an orderly arrangement of the subject-matter in the pupil's

¹ "Civics is a study of an important phase of human society, and for this reason has the same value as elementary science or history." — PROFESSOR HENRY E. BOURNE, in "The Teaching of History and Civics."

mind, and to give him an understanding of the meaning of observed facts and phenomena.

4. The examination in a concrete way of the ethical principles underlying government.
5. All the application that can be had, all the learning by doing, all the discipline through the performance of such social duties as fall to pupils during school life.

Method:—

1. In the study of actual government in the town or city where the school is situated, the *laboratory method* should be used as far as possible; that is, the town or city government should be the basis of study, and the town or city documents the chief texts. A thorough knowledge of the machinery of local government and an understanding of its working are necessary as an apperceptive basis for the study of county, State, and nation, wherein the *library method* must be chiefly employed.

The bulletin board is an essential piece of apparatus from the first, but becomes more and more valuable as county, State, and national governments are studied.

2. In the study of the history of government, special attention is given to the *development* of institutions and practices; there is a constant comparison of *the then* and *the now*.
3. The study of the theory and principles of government necessitates a constant seeking of the *why*, and a constant comparison of theory with fact, together with some investigation of reasons for differences.

4. In the study of the ethical phase of government, and in the application of principles and truths learned to the direction of personal conduct, effort is made:—

(a) To bring out clearly and make real the pupil's personal relation to government,—particularly as regards the benefits which he receives from government and his duties and obligations toward government.

(b) To cultivate *civic spirit* and develop habits of good citizenship through participation in the duties, obligations, and benefits of school life.

Of course, it is not necessary to bring to the notice of pupils the fact that there are four lines of emphasis, or four phases, in the study of civics, but it is necessary that every teacher of the subject in our schools should be conscious of them, and should not omit or slight any one of them in his teaching.

The work may be well begun by calling out and clarifying the pupils' ideas regarding government in the home and in the school, and by briefly reviewing what they have already learned of civil government, through experience or through instruction. The topics of such preliminary lessons, arranged under the four heads, would stand somewhat thus:—

GOVERNMENT IN HOME AND SCHOOL.

<i>Machinery and Operation.</i>	<i>History.</i>	<i>Theory and Principles.</i>	<i>Ethics.</i>
1. The source of authority: — (a) At home. (b) In school. 2. Who makes the laws? 3. Who interprets them? 4. Who executes or enforces them? 5. Review what has been previously learned about civil government.	The pupil's experience with government at home and in school; with government in town or city; with State and federal government.	1. Definition of government and of law. 2. The necessity of society; 3. Hence the necessity of government: — (a) for protection (1) of persons, (2) of property; (b) For coöperation.	1. Relation of citizens to one another, and to the social whole. 2. The social instinct given us by the Creator. 3. The strong and the weak. 4. Necessity for obeying the "rules of the game." 5. Government a moral obligation.

A similar tabulation of the topics to be studied under town, city, county, State, and national government may easily be made.

For a treatise upon method in teaching civics, the author would recommend "Hints on Teaching Civics," by Hon. George H. Martin (Boston, 1896).

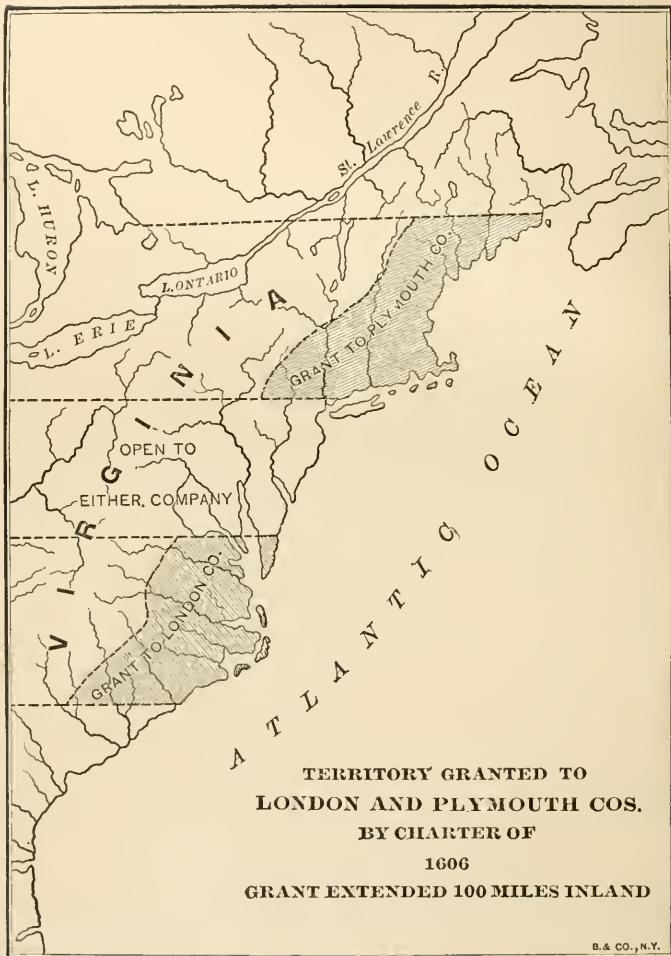
For a complete syllabus and a carefully selected bibliography, the forthcoming Report of the Civics Committee, appointed by the New England History Teachers' Association, may be recommended.

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THE GOVERNMENT OF THE
NEW ENGLAND STATES



THE GOVERNMENT OF THE NEW ENGLAND STATES.

CHAPTER I.

THE BEGINNING OF NEW ENGLAND COLONIAL GOVERNMENT.

How the Colonists received their Land Titles. — At the time of the discovery of America it was customary for kings to claim for the crown all lands discovered by navigators sailing in their service. So when, in 1497, John and Sebastian Cabot, sailing in the employ of Henry VII of England, were the first to touch the mainland of North America somewhere near the Gulf of St. Lawrence, the king claimed all this vast territory as subject, not to England, but to himself. No thought was given to the rights of the red men, who were then the only inhabitants of the land.

A little more than a hundred years later (in 1606), James I, then king of England, granted to a number of influential Englishmen a patent, or charter, which allowed them to form two companies for planting and governing colonies in America. These companies were called the London Company and the Plymouth Company. This charter granted to the London Company the land along the coast from Cape Fear on the south to the southern boundary of the present State of Maryland on the north; and to the Plymouth Company, the territory from Long Island to the

mouth of the Bay of Fundy. The strip of coast between the southern boundary of Maryland and Long Island might be settled by either company; but neither should plant a colony within a hundred miles of one already planted by the other.

The London Company in 1607 established, in what is now Virginia, a colony to which they gave the name Jamestown. This was the first permanent English colony in America. The Plymouth Company did not succeed in planting a permanent colony, and in 1620 was reorganized and incorporated under the name of The Council for New England. From this council all colonies in the territory that afterwards became the States of Massachusetts, Connecticut, Maine, and New Hampshire received their land grants.

First Settlements. — The first settlements in what are now the New England States were Plymouth and Massachusetts Bay in Massachusetts; Dover and Portsmouth in New Hampshire; Saco and York in Maine; Hartford and New Haven in Connecticut; Providence and Portsmouth in Rhode Island; Brattleboro and Bennington in Vermont. With the exception of the Vermont settlements, these were all made within the twenty years that followed the founding of Plymouth. In and about these nest-places of colonization the town and county governments of New England had their birth.

The Character of the New England Colonists. — The New England colonists were similar in character; they were moved by the same purpose; they had experienced the same oppression in the mother country; and now they

faced similar difficulties and dangers in the wild New England country. They were, for the most part, Puritans and Separatists, who had left their homes in the Old World, not to make discoveries or to gain wealth, but to found homes in the New World where they might enjoy that freedom of religious worship which was denied them in England. They were as a rule neither wealthy nor poor, but each possessed sufficient property to sustain his self-respect and independence, so that there was no class distinction among them. They brought with them from England similar ideas of government. Therefore the New England colonies, though widely separated and having scant communication, established systems of local government which in all important respects were alike, and remain so to this day.

The colonists were familiar with the English parish and its combination of civil and church government, and with the English county and its court. So it was quite natural that the earliest government of the colonies, with its General Court exercising both legislative and judicial functions, should resemble that of an English county, and that the New England town should be a modification of the English parish.

Earliest Forms of Colonial Government.—In 1620, the *Mayflower* brought to this country one hundred men, women, and children, who established at Plymouth the first permanent settlement in New England. These Pilgrims, as they called themselves, were Separatists who, driven from England about eleven years before by religious persecution, had been living in Holland. But dissatisfied with the conditions there, and fearing that their children would grow up Dutch instead of English, they had determined to plant a colony in America. They had

secured a charter from the London Company; however, for some reason, they did not go to its territory; but, in December, landed on the coast of Cape Cod, upon land belonging to the Plymouth Company.

Since, therefore, their charter from the London Company was useless, they drew up in the cabin of the *Mayflower* an agreement as to what their government should be. The compact was as follows:—

“In the name of God, Amen. We, whose names are underwritten, the loyal subjects of our dread sovereign lord, King James, by the grace of God, Of Great Britain, France, and Ireland, King, Defender of Faith, &c., having undertaken, for the glory of God, and advancement of the Christian faith, and honor of our king and country, a voyage to plant the first colony in the northern parts of Virginia, do by these presents, solemnly and mutually, in the presence of God and of one another, covenant and combine ourselves together into a civil body politic, for our better ordering and preservation, and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute and frame such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience. In witness whereof we have hereunder subscribed our names, at Cape Cod, the 11th of November, in the year of the reign of our sovereign lord, King James of England, France, and Ireland, the eighteenth, and of Scotland the fifty-fourth, Anno Domini 1620.”

This compact, to which forty-one of the men affixed their names, is famous as the first concrete outline of the principles of popular government.

Eight years later, the Pilgrims obtained from the Council for New England a charter which granted them a certain territory, and permission to set up and carry on such government as they found necessary.

The form of government begun under the *Mayflower* compact was, in the main, that of nearly all the early colo-

nies of New England. A governor and five (afterward seven) assistants were elected each year by the freemen, who at first comprised all the adult male members of the colony. A meeting of all the freemen, called the *General Court*, made the laws; and a court consisting of the governor and his assistants interpreted and applied them. The English common law was the basis of all judicial and administrative acts. Early legislation dealt with very simple matters, such as forbidding settlers to roof their houses with thatch (since thatch was liable to take fire) and forbidding the sending of corn, pease, and beans out of the colony.

TOPICAL OUTLINE OF CHAPTER.

THE BEGINNING OF NEW ENGLAND COLONIAL GOVERNMENT.

- I. How New England colonists got their land titles.
 1. Henry VII's claim.
 2. James I's charter to London and Plymouth Companies.
 3. London Company plants Jamestown.
 4. Plymouth Company reorganized and named Council for New England.
- II. First settlements,—the nest-places of colonization.
- III. Character of colonists.
 1. Similarity of previous experiences, of purpose, of social conditions, and of ideas of government.
 2. Its influence upon New England government.
- IV. Earliest forms of New England colonial government illustrated by colony of New Plymouth.
 1. The *Mayflower* compact.
 2. Outline of the early Plymouth Government: —
Legislative department: General Court.
Judicial department: General Court and Court of Assistants.
Executive department: Governor and Assistants.

CHAPTER II.

THE RISE OF TOWN AND COUNTY GOVERNMENTS IN NEW ENGLAND.

PLYMOUTH AND MASSACHUSETTS BAY COLONIES.

The Origin of the Town.—The distinctive feature of government in the New England States is town government. The town is the unit of local government, and a thorough knowledge of it is necessary to an understanding of city, county, and State government.

More than a thousand years before the landing of the Pilgrims, our Anglo-Saxon ancestors used the word “tun” (toon) to designate the stockade with which they surrounded their hamlets as a defense against their enemies. The word “tun” came in time to apply not only to the stockade, but also to the hamlet itself and its inhabitants.

The town meeting was at first an open air meeting of the people of the “tun” to punish wrongdoers, and to distribute annually the lots of town land for tillage. In later times the townsmen also chose four men to represent them in the “shire moots,” or county courts.

Before the Pilgrims left England the old English town had been largely replaced by the manor—a kind of town in which the officers were directly responsible to the lord of the manor rather than to the people—and the parish. The parish generally coincided with the town in territory,

and besides carrying on much of the government of the ancient town, was also the unit of church administration. Fiske says : —

“ As we find it in later times, both before and since the founding of English colonies in North America, the township in England is likely to be both a manor and a parish. For some purposes it is the one, for some purposes it is the other. The townsfolk may be regarded as a group of tenants of the lord's manor, or as a group of parishioners of the local church. In the latter aspect, the parish retained much of the self-government of the ancient town. The business with which the lord was entitled to meddle was strictly limited, and all other business was transacted in the ‘ vestry meeting,’ which was practically the old town meeting under a new name.”

Since the earliest New England settlements were founded by church congregations led by their pastors, it very naturally happened that the English parish government was transplanted to this country, and became the basis of the New England town.

The Rise of Towns in Plymouth Colony. — During the first sixteen years after its founding, Plymouth Colony was governed under what seems to be a combination of English county and parish governments. In 1636, however, the laws were revised, and the duties of the several officers were more clearly defined. In connection with this revision we have the first mention of separate towns. Two men from Scituate and two from Duxbury were appointed to serve with four from Plymouth in revising the laws. The general court in this same year granted to Plymouth permission to hold separate meetings to deal with matters of local importance. Similar privileges were soon granted to other communities. In 1638, there had come to be eight towns.

Representation. — We can readily see how it was both inconvenient and dangerous for all the men of a community to leave their homes at one time in order to attend the general court. For this reason, following the plan that the towns of Massachusetts Bay Colony had adopted four years before, the towns began in 1638 to send representatives to act for them, with the governor and his assistants, in making the laws. All the freemen still met once a year in general court to elect officers; but even at this meeting they might, if they wished, vote by proxy through their deputies.

Separation of the Judicial Department, and the Formation of Counties. — In 1671, the laws of the Plymouth Colony were again revised. At this time, all judicial functions were withdrawn from the general court and given to a court of assistants which met in Plymouth three times a year and had jurisdiction in all civil and criminal cases. In addition to this central court, two selectmen were chosen in each town, to whom was given authority to try civil cases which involved not more than forty shillings.

A further step in the development of the judicial branch of government was soon found necessary, and in 1685, three counties, Plymouth, Barnstable, and Bristol, were formed by the union of neighboring towns. In each of these counties, court was held twice a year by the assistants who lived within its boundaries, and much of the business previously handled by the court of assistants was transacted by these county courts.

It is interesting to note how the three departments of

government, — legislative, executive, and judicial, — which were at first united, gradually became separate and independent. The same thing happened in all the New England colonies.

In 1692, Plymouth was united to Massachusetts Bay Colony under the Province Charter, and made a royal province whose governor was no longer elected by the colonists, but appointed by the king of England. (See p. 12.)

Massachusetts Bay Colony. — In 1628, a company of men in England obtained from the Council for New England a grant of land having its southern boundary three miles south of the Charles River, its northern boundary three miles north of the Merrimac River, and extending westward to the Pacific Ocean. These men were Puritans, and they wished to found a colony where Puritans could live and worship as they pleased. They sent over, under the leadership of John Endicott, one of their members, a little band of sixty colonists who settled at Salem. The next year Charles I gave the company a charter incorporating them under the title of "The Governor and Company of the Massachusetts Bay in New England." This charter gave the company power to choose its own officers, to make its own rules, and to enact laws for governing the colonies which it might send out. The company was to govern from England the colonies which it might plant in America.

Soon it was decided to transfer the charter and the company governing under it to New England, and a large company of Puritans immediately came over (1630) and settled in and about Boston.

The general form of the government established under this charter was much the same as that of the Plymouth Colony. But there are some important differences that we should notice. The Plymouth Colony had set up no religious qualification for its voters, while from almost the very first, Massachusetts Bay Colony limited its voters to church members. The executive and judicial powers were exercised chiefly by the governor and his assistants, who met every month in what was called *Assistants' Courts*. The laws were made and the officers elected by the *Great and General Court*, an assembly of all the free-men of the company. It seems that this body also attended to some judicial matters.

Representation. — As has been said (p. 8), towns of the Bay Colony began to send deputies to act with the assistants in making the laws as early as 1634. The assistants, or magistrates, as they were sometimes called, and the deputies sat together, but voted separately. No law could be enacted unless it received a majority vote in each body. In 1644 the two branches of the legislative body began to sit in separate chambers. In this step we see the beginning of the two-chambered (bicameral) legislative body in colonial government.

Separation of the Judicial Department and the Organization of Counties. — Judicial business was gradually withdrawn from the assistants' court and the general court, and given to quarterly courts held at Boston, Cambridge, Salem, and Ipswich, and presided over by resident magistrates and officers appointed by the general court to act

with them. In 1643, four counties were organized for the transacting of judicial business.

Puritan Legislation in the Bay Colony. — It will be remembered that the settlers of Plymouth Colony were Separatists, who believed that the Church should be wholly separated from the State. But the Puritans who settled Massachusetts Bay believed that the civil officers had authority in church matters; and therefore they taxed all to support the church, and made laws to compel people to go to church. They made and rigorously enforced laws against Sabbath breaking, swearing, and intemperance.

The Loss of the Charter. — Charles II of England was having no end of trouble with the Puritans in England, and soon began to take measures to restrain the independent spirit of the Puritan colony of Massachusetts Bay. He sent royal commissioners to investigate this and other colonial governments. Finally, in 1684, Massachusetts was declared to have forfeited her charter. Sir Edmund Andros was sent over as governor of all New England, and under his tyrannical rule popular government in the colonies was suspended for a time. But at last a revolution took place in England, and the New England colonists seized and imprisoned Andros and his friends.

The Province Charter. — Massachusetts Bay now tried to get back its old charter, but the king thought it too liberal, and gave a new one that united the colonies of Massachusetts Bay, Plymouth, Maine, and Nova Scotia under one government.

This charter gave to the king the appointment of a governor, a deputy governor, and a secretary. Twenty-eight councilors, appointed at first by the king, afterward by the general court, with the house of deputies chosen as before by the towns, formed the legislature.

Great power was given to the governor. He was commander of the militia and appointed all military officers. He sanctioned the choice of councilors, and, with the consent of the council, appointed all judicial officers. He could also assemble and adjourn the general court.

The right of suffrage was limited to men who owned real estate "worth two pounds sterling a year or personal property worth forty pounds."

At this time the general court revised the judicial department, and instituted a system of higher and lower courts that was much the same as we have to-day.

TOPICAL OUTLINE OF CHAPTER.

THE RISE OF TOWN AND COUNTY GOVERNMENTS IN MASSACHUSETTS.

- I. The town the distinctive feature of New England government.
- II. Origin of the town.
 1. Its variations. The manor and the parish — in England.
 2. The parish, the forerunner of the New England town.
- III. Rise of towns and counties in Plymouth Colony.
 1. Plymouth's first government a combination of the English parish and county.
 2. Mention of Scituate and Duxbury in 1636, and permission given to towns to manage local matters.
 3. Beginning of representation, 1638.
 4. Revision of laws and frame of government, 1671.
 5. Separation of judicial from legislative and executive departments.

6. Outline of government under revision of 1671 :—
Executive department: Governor and Assistants—elected annually.
Legislative department: General Court—a meeting of all the freemen.
Judicial department: Court of Assistants at Plymouth. Selectmen in each town had power to try small cases.
7. Formation of counties.
8. Plymouth united with Massachusetts Bay under royal government in 1692.

IV. Massachusetts Bay Colony settled in 1628–1630.

1. Charter from Charles I; land grant from Council for New England.
2. Settlers chiefly Puritans.
3. Form of government similar to that of Plymouth; but with following differences:—
 (a) A religious qualification for voters.
 (b) A close union of Church and civil government.
4. Towns were formed and represented by deputies as early as 1634.
5. Beginning of bicameral legislative body in 1644.
6. Organization of counties.
7. Character of Puritan legislation.
8. The loss of charter and popular government.
 (a) The government of Andros.
9. The Province Charter, 1691, uniting Plymouth, Massachusetts Bay, Maine, and Nova Scotia.
10. Outline of government under Province Charter:—
Executive department: Governor, Deputy Governor, Secretary, appointed by the king.
Legislative department: Twenty-eight Councilors, appointed at first by the king, afterward by the General Court. Deputies, chosen by the towns.
Judicial department: Superior Court, Court of Common Pleas, Court of Sessions, Justices of the Peace. (All officers of the judicial department appointed by the governor with the consent of the council.)
11. Property qualification of voters.

CHAPTER III.

THE RISE OF TOWN AND COUNTY GOVERNMENTS IN NEW ENGLAND (Continued).

CONNECTICUT, NEW HAVEN, AND RHODE ISLAND COLONIES.

Connecticut Colony.—The first permanent settlers in Connecticut were from Massachusetts, — chiefly from the Bay Colony, — who, in the years 1634–1636, made homes for themselves on the rich soil of the lower valley of the Connecticut River. These first settlements were at Windsor, Wethersfield, and Hartford. The general court of Massachusetts Bay Colony, believing that the settlements were in its territory, commissioned eight prominent citizens to govern them for a year. Four years later, in 1639, the freemen of these settlements met at Hartford, and, through the inspiration and advice of the Rev. Thomas Hooker, adopted a written constitution in which they declared their independence of all external authority. This constitution, called the *Fundamental Orders of Connecticut*, is “the first truly political written constitution in history.”¹ To-day written constitutions form the basis of government both of the United States and of each individual State. The written constitution is the corner stone of government *of the people by the people*, and is fittingly called “America’s gift to the world.”

¹ Bryce, “The American Commonwealth.”

The Fundamental Orders provided for two meetings of the general court each year. At the first meeting all the freemen assembled to elect a governor and six magistrates. To the second meeting, each town sent four representatives to act with the governor and magistrates in making the laws. Judicial powers were exercised by the magistrates.

The government established under this constitution was much like that of Massachusetts Bay Colony, except that there was no religious qualification for voters.

In this same year power to choose selectmen and other officers was granted to the towns; and they were permitted to direct their local affairs, in the main, as they saw fit. To the selectmen of the several towns was given power to decide cases at law where the amount in dispute was small.

New Haven Colony. — New Haven was settled in 1638 by a company of wealthy Puritans from England under the leadership of John Davenport and Theophilus Eaton. The government set up by them differed from that of the Connecticut Colony in that only church members were given the rights of freemen. These freemen elected a governor and four magistrates, and composed the general court. The general court and the four magistrates carried on the legislative and judicial business of the colony.

Men from New Haven settled the towns of Milford, Guilford, and Stamford. These towns soon united with the parent town under a written document which they called the *Fundamental Agreement*. In 1643, the general court, made up of deputies from the four towns,

adopted a more detailed plan of government, similar to that of the Connecticut Colony, but of course adapted to their restricted right of suffrage and church policy.

A Comparison of Connecticut and New Haven Colonies.—While these colonies were alike in many ways, the following points of individuality may be noted :—

	<i>Connecticut Colony</i>	<i>New Haven Colony</i>
Suffrage	Practically universal	Restricted to church members
Church and State	Separate	Nearly the same
Source of authority	The people	The Scriptures
Form of government	A democracy	An aristocracy

Union of Connecticut and New Haven Colonies.—In 1662, Connecticut Colony obtained from Charles II of England a charter and a grant of territory which included all the towns of the New Haven Colony. The latter colony was, naturally, unwilling to give up its separate existence and unite with Connecticut Colony; especially since in so doing it could no longer narrowly limit the right of suffrage, or maintain its close relations between church and civil government. For the charter was very liberal and granted the right of suffrage to all adult males of good reputation who owned real estate to the value of twenty pounds. But finally, in 1665, New Haven yielded, and the two colonies united under the title of the “English Colony of Connecticut in New England.”

Formation of Counties. — Soon after the union of the colonies, counties were formed for the better administration of justice, and courts were held at regular intervals by the assistants residing in each county. Appeals from the decision of these courts might be carried to the central court of assistants, which was held at Hartford.

The government of the colonies after their union may be outlined as follows : —

Executive department : —

Governor, Deputy Governor, Twelve Assistants.

Legislative department : —

General Assembly	{	Governor and Assistants, and
		House of Deputies (two representatives from each town).

Judicial department : —

Central Court of Assistants held at Hartford,
County Courts held in each county by resident Assistants.

Rhode Island. — The first settlements in Rhode Island were made by religious refugees from Massachusetts Bay Colony. Providence was settled by Roger Williams and a few companions in 1636. As the settlement grew, civil business was carried on in general meetings of the free-men, who agreed to be governed “only in civil things” by a majority vote of the heads of families. In 1640, five men, who were called *disposers* instead of selectmen, were chosen to direct the affairs of the colony. They were required to meet each month, and held office for three months only. These *disposers* did not act as judges, as

the selectmen in other colonies did; but when the settlers had legal disagreements they chose arbitrators who were given full power to settle disputes. A citizen who was not satisfied with any action of the *disposers* could request the call of a special town meeting.

The government of the Providence settlement was the most purely democratic of all in New England.

Settlements were made at Portsmouth by William Codrington and others in 1638, and at Newport in 1639; and town and county governments developed in Rhode Island much as they did in Massachusetts and Connecticut. The county first appears as a judicial unit in 1703.

Portsmouth and Newport were united in 1640, and were, in turn, united with Providence in 1663 under a charter from Charles II.

In the Rhode Island charter, as in the Connecticut charter, the king reserved no authority for himself; although in later years his successors to the English throne tried to exercise authority over these colonies.

The executive officers of the colony were a governor, a deputy governor, and assistants. They also held courts at Providence and Newport for carrying on judicial business.

The legislature was composed of the executive officers and deputies chosen by the towns.

TOPICAL OUTLINE OF CHAPTER.

CONNECTICUT, NEW HAVEN, AND RHODE ISLAND COLONIES.

I. Connecticut Colony, 1634-1636.

1. Founded by people from Massachusetts Bay.
2. The first constitution—America's gift to the world—1639.
3. Towns granted power to manage local affairs.

4. Government under constitution :—

Executive department : Governor and six magistrates, elected by freemen.

Legislative department : Governor and magistrates, and four representatives from each town.

Judicial department : Magistrates. Selectmen in towns to decide small cases.

II. New Haven Colony, 1638-1641.

1. Right of suffrage limited to church members.

2. New Haven, Milford, Guilford, and Stamford united in 1643.

3. Comparison of Connecticut and New Haven Colonies.

4. Union of these colonies and formation of counties.

5. Outline of government of colonies after union.

III. Rhode Island, 1636-1639.

1. The early government of Providence, completely democratic.

2. Union of Providence, Portsmouth, and Newport in 1663 under charter from Charles II.

3. Complete self-government granted by this charter.

4. Outline of government :—

Executive department : Governor, Deputy Governor, Assistants.

Legislative department : The magistrates, and deputies chosen by the towns.

Judicial department : The magistrates held courts at Providence and Newport.

CHAPTER IV.

CAUSES OF THE DEVELOPMENT OF THE TOWN IN NEW ENGLAND.

The Governmental Unit in New England, the Town ; in Virginia, the County. — From this brief study of the growth of government in the New England colonies, we have learned that the town early became, as it now is, the distinctive feature of New England government. We have also found that the county was organized a little later as a convenient judicial unit.

In Virginia and other Southern colonies where planters owned large plantations and settled, not in groups, but here and there at long distances from one another, the county became the civic unit.

The chief causes for the development of the town as the civic unit in New England were :—

1. The early New England settlers came to this country in congregations ; and they naturally built their houses close about their churches.

2. The hilly land, the hard, rocky soil, and the inhospitable climate of New England made small farms the rule. A settler's entire energy must be devoted to a small section of land, if he would be sure of his crops ; while in Virginia the milder climate and the rich, broad fields made it possible to cultivate large plantations.

3. The widely varying quality of the New England soil was another cause of the more or less widely separated settlements that grew into towns. For when a colony in its growth had occupied all the good farming land immediately available, like a swarm of bees from the hive, the hardy and courageous young men of the colony would seek and settle better land, though compelled to journey many miles to find it.

4. The Indians were always a grave peril in New England. It was necessary for the settlers to live close together for their common defense. Nearly all the early New England settlers had a stockade, or fort, in which they might hastily seek protection when a band of Indians descended upon their homes. A cabin miles away from this stockade was at the mercy of the Indians, and could not long survive.

The colonial charters gave all power of government to the general courts of the several colonies, but as soon as outlying towns sprang up, the general courts became representative assemblies, and allowed local government to grow up in the towns. To these towns the general courts soon gave full sanction to govern themselves through men of their own choice — their selectmen.

Now that we have had a glimpse of the growth of the town and county government in New England, let us proceed to study the government of the New England town as it is to-day.

CHAPTER V.

THE NEW ENGLAND TOWN OF TO-DAY.

The Colonial Town compared with the Modern Town. — In all important points the government of the New England town to-day is similar to that of colonial times. But the town of the present has exactly defined territory; and during recent years the State has laid new and important duties upon it.¹

The Town has a Twofold Function. — The town is the unit of government for managing, under the laws of the State, its local affairs; it is also the servant of the State, which intrusts to it the enforcement of certain State laws and the carrying on of certain business, such as the collection of State taxes and the support and management of schools. The town is also the unit of representation in the State legislature, and so has a part in the larger government of the State.²

We may define a town, then, as "a body corporate, occupying a definite portion of territory, and exercising local jurisdiction under the control of the State."³

¹ See Professor A. B. Hart, "Actual Government," p. 172.

² In some of the States the larger towns have several representatives, and the smaller towns are grouped and represented by one man. See p. 80.

³ Martin, "Civil Government," p. 207.

There is still in New England much territory not yet organized and incorporated into towns.

Vermont has eight unorganized "towns" and "gores."

New Hampshire has unorganized districts known as "gores," "locations," and "purchases."

In Maine there are about 75 organized "plantations," which may be described as rudimentary towns, 12 unorganized plantations, 348 unorganized "townships," 11 "grants," 3 "surpluses," 3 "gores," and 1 "tract." — PROFESSOR WILLIAM McDONALD, "Government of Maine," p. 62.

The Town Meeting. — The most important and most characteristic feature of the town is the town meeting. Once a year, usually in March or April,¹ all the voters of a town meet in the town hall to elect officers for the coming year, to appropriate money² for public expenses, thus determining how much they will tax themselves for the public good, and to discuss and enact administrative measures and by-laws.

Through the town meeting all citizens have an opportunity to become acquainted with public affairs, to hear matters of local importance discussed by the ablest speakers of the town, and to decide what shall be their attitude on public questions. In the town meeting every voter has an equal opportunity to influence by his argument, as well as by his vote, the policy of the town. It has been remarked that the town meeting is a school, in

¹ It is interesting to note that in Saxon times the town meeting was held at this season of the year, because one of the principal functions of the assembly was to parcel out by lot the common land for sowing and planting as the spring opened. •

² In Rhode Island the town meetings for election of town officers and for town appropriations are held separately and in various months — generally, however, in April, May, or June.

which men are trained in public speaking, in independent judgment upon public affairs, in the principles of self-government, and in patriotism.

"In the old New England town meeting every man is conscious of his sovereignty, and counts for all he is worth, and all business and elections are done above board and by unquestioned majorities. Simple, direct, and democratic, this form of government is the . . . ideal of free institutions."¹

Besides the annual meeting, town meetings are held for the election of county and State officers,² and at such other times as the selectmen may think necessary. In some States selectmen are obliged to call a meeting also upon petition of a certain number of voters.

The Warrant.—Town meeting is held at some central place, usually the "town house," under a warrant³ issued by the selectmen to a constable of the town, directing him to notify the legal voters to meet at a specified place and time to act upon certain matters set forth in the warrant. Matters may be placed in the warrant by the selectmen, or upon petition of a certain number of legal voters; and no other business can be legally transacted at this meeting.

The following warrant from a Massachusetts town will serve to illustrate the kinds of business transacted in a

¹ D. M. Wilson, in "Where American Independence Began."

² In Vermont the meeting held in March for town business is called the "town meeting," while the meetings held in September of the even years to elect representatives and meetings held in November, in each year whose number is divisible by four, to elect presidential electors are called "freemen's meetings," and are presided over by the first constable instead of a moderator.

³ In Vermont it is called a "warning."

town meeting, and, if carefully studied, will answer many questions regarding town government :—

COMMONWEALTH OF MASSACHUSETTS.

BRISTOL, SS.

To either of the Constables of the Town of Dartmouth, GREETING :

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Dartmouth, qualified to vote in the election of Town Officers and in Town affairs, to meet at the Town House in said Dartmouth, on Monday, the sixth day of April next, at nine o'clock in the forenoon, then and there to act on the following articles ; viz. :

Article 1. To choose a Moderator to preside at said meeting.

Art. 2. To choose all necessary Town Officers for the ensuing year, viz. : Town Clerk, Treasurer and Collector of Taxes, one Selectman and Overseer of the Poor for three years, one Assessor for three years, one member of School Committee for three years, Surveyor of Highways, Town Auditors, Constables, Fence Viewers, a Town Agent (with power and authority to institute new lawsuits, if necessary, and to defend suits which are now pending or may be hereafter commenced), one Trustee of Free Public Library for three years, a Tree Warden for one year ; and also to vote on the question : “ Shall Licenses be granted for the sale of Intoxicating Liquors in the Town ? ” The form of the Ballot shall be “ Yes ” or “ No.”

Art. 3. To see if the Town will adopt the list of Jurors as prepared by the Selectmen.

Art. 4. To determine the amount to be allowed the Treasurer and Collector of Taxes for his services.

Art. 5. To vote a sum of money for support of poor.

Art. 6. To vote a sum of money for support of schools.

Art. 7. To vote a sum of money for incidental expenses.

Art. 8. To vote a sum of money for ordinary repairs of roads and bridges.

Art. 9. To vote a sum of money for road incidentals.

Art. 10. To vote a sum of money for soldiers' and sailors' relief.

Art. 11. To vote a sum of money for town officers' salaries.

Art. 12. To vote a sum of money for Superintendent of Schools.

Art. 13. To vote at what time the Tax bills shall be delivered to the collector.

Art. 14. To vote what price shall be allowed for labor on the highway.

Art. 15. To vote a sum of money for free public libraries.

Art. 16. To vote a sum of money for memorial purposes, agreeable to the petition of Geo. R. Read and sixty-nine others.

Art. 17. To vote a sum of money for transporting scholars.

Art. 18. To vote a sum of money for the support of the Southworth Library, agreeable to the petition of J. G. Baker and fifteen others.

Art. 19. To see if the Town will vote to build a new schoolhouse at South Dartmouth Village, and if so voted, to appropriate a sum of money for the same. And take any other action which may be necessary.

Art. 20. To see if the Town will vote to instruct the single Highway Surveyor in employing labor on highways to give preference to legal voters instead of to Unnaturalized Citizens, agreeable to the petition of Elbridge L. Faunce and twenty-four others.

Art. 21. To see if the Town will vote to appropriate the sum of one hundred dollars to repair the old Town Hall.

Art. 22. To see if the Town will vote to accept the layout of Bolton Road as laid out by the Selectmen, and if so voted, to appropriate a sum of money to build the same.

Art. 23. To see if the Town will vote to accept the Auditors' report.

And you are directed to serve this Warrant by posting up attested copies of the same, ten days at least before the time of holding said meeting, at the usual places of posting up warrants.

Hereof fail not and make due returns of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of holding said meeting.

Given under our hands this twenty-first day of March in the year one thousand nine hundred and three.

CHAS. W. HOWLAND,	} <i>Selectmen of</i>
JOB S. GIDLEY,	
JAS. ALLEN, 2d,	
	} <i>Dartmouth.</i>

The constable serves the warrant as the by-laws of the town direct by posting attested copies of it in public places at least seven days before the date on which the meeting is called. He indorses upon the warrant the

statement that he has properly served it, and returns it to the town clerk. At the time specified, the town clerk calls the meeting to order, and reads the warrant which forms the legal basis of the town's action. Having read the warrant, with the officer's return, the town clerk presides during the choice by ballot of a moderator, who acts during this meeting and its adjourned sessions as the presiding officer. The meeting then proceeds to elect officers for the ensuing year. In most New England States, the State law requires that the clerk, selectmen, assessors, treasurer, constables, and school committee be elected by ballot; other officers may be elected as the town desires.

A New England town of medium size elects annually the following officers, who constitute its executive department:—

Clerk;

Selectmen, three, five, seven, or nine;

Assessors,¹ three or more;

Collector of Taxes;

Treasurer;

Constables,² one or more;

Overseers of the Poor, three or more;

School Committee, three or multiple of three;

Superintendent of Streets, or one or more Highway Surveyors or Road Commissioners;

Field Drivers, and Pound Keepers;

Fence Viewers, two or more;

Surveyors of Lumber, one or more;

Measurers of Wood;

Auditors, one or more.

¹ In Vermont called "listers."

² In Rhode Island called "town sergeant."

In some New England towns registrars of voters, trustees of the public library, tree wardens, fire wardens, town agents, and various other officers are chosen.

In Vermont the town clerk, the selectmen, and justices of the peace of any town constitute a "Board of Civil Authority," whose duties are to nominate jurors, appoint and remove certain town officers, correct check lists, and, acting with the listers, to abate taxes.

Let us make a brief study of the duties of the most important town officers.

Selectmen.¹—The selectmen are the chief executive officers of the town. Their principal duties are:—

1. To issue warrants for town meetings, and to preside at meetings for the election of State and national officers.²
2. To lay out highways.
3. To grant licenses.
4. To make up jury lists and draw jurors.
5. To represent the town in its dealings with county and State, and in suits-at-law.³
6. To act as assessors, board of health, and overseers of the poor in small towns where these officers are not elected.

Town Clerk.—The town clerk is, as the name indicates, the public secretary. His principal duties are:—

1. To keep a record of all the votes in town meeting, and to administer the oath of office to the other town officers who are elected.

¹ In Rhode Island they are called the Town Council; and they meet regularly once a month.

² In Vermont the first constable presides at these meetings.

³ In some States the town agent prosecutes and defends suits in which the town is a party.

2. To record all votes for State and county officers, and to make proper returns.
3. To record births, marriages, and deaths.
4. To issue marriage certificates and burial permits.
5. To license dogs.
6. To record mortgages of personal property and assignments of wages.

Assessors. — The assessors are among the most important of the town officers. The just assessment, as well as the wise appropriation and honest expenditure of taxes, is very vital to good government. The assessors are bound by oath to perform their duties impartially and according to law. Their chief duties are:—

1. To determine the valuation of property, real and personal, and to levy taxes thereon, at a rate sufficient to raise the amount voted by the town meeting.
2. To make a list of the men liable to be assessed for poll tax.

A poll tax, in most States two dollars, is assessed annually, on a specified day (the first of May in Massachusetts) upon each male inhabitant over twenty years old in the place where he lives.

The law describes very minutely taxable property and the manner of apportioning the taxes. In general, taxable property includes lands and buildings, goods, chattels, money (on hand or at interest), ships and vessels, stocks and bonds, and income from employment; but most of this is subject to exemption under certain conditions, in the different States.

Tax Collector. — The collector of taxes is furnished with a tax list and warrant specifying his duties, and proceeds to send bills to the citizens. If a tax is not paid within

a certain time, the collector may seize the property, and after giving public notice, sell it, and turn over to the owner whatever may be left of the proceeds after taking out the tax and the cost of collecting.

Treasurer. — The town treasurer receives the taxes from the collector, and takes charge of all money belonging to the town, and pays it out upon the order of proper officers. He must report to the town annually his receipts and disbursements.

Overseers of the Poor. — In the statutes of each State is found a law requiring all towns and cities to care for the poor and needy living within their territory. The overseers of the poor (or the selectmen where separate officers are not chosen) have the care of the support and the employment of the poor dependent upon the town; they employ a keeper and have charge of the almshouse; and they represent the town in its dealings with other towns in matters pertaining to the support of paupers.

Constable. — The chief duties of the constable or constables are : —

1. To arrest all persons charged with crime, and to hold such persons pending trial.
2. To serve warrants and writs, and to summon witnesses and jurors.
3. To perform many police duties in towns where there is no police force.
4. In some towns, the constable acts as collector of taxes.

Auditors. — Each town elects one or more officers to examine the town accounts and the accounts of all its officers or committees who handle the public funds, and report annually. Auditors can hold no other office.

School Committee. — The statutes require each town to elect by ballot a school committee. This committee usually consists of three members or a multiple of three, one third of which is elected annually. In most of the States, women may serve upon this board.

The school committee has general charge of the schools of the town. Their chief duties are : —

1. To examine, hire, and dismiss teachers.
2. To build and care for schoolhouses.
3. To arrange courses of study, and to provide for grading and promoting pupils.
4. To select the text-books to be used, and, where these are furnished by the town, to buy them.

The committee may elect a superintendent to perform some or all of these duties under their direction. Several towns may unite and employ a superintendent.

Superintendent of Streets. — Towns care for their roads in various ways. Sometimes they elect a board of highway commissioners, sometimes “surveyors” for different districts, and sometimes the selectmen appoint a superintendent of streets who acts under their direction. This officer has in charge all repairs of streets, bridges, and sidewalks, and the care of shade trees.

Field Drivers. — Every town chooses one or more field drivers, whose business it is to take charge of stray animals,

and (if there is no pound keeper) care for them, and advertise for their rightful owners. If a pound keeper is chosen, the field driver turns the stray animals over to his care. The owner must pay the charges for the care and advertising, or the animals may be sold at auction to cover these expenses.

Fence Viewers. — These officers settle disputes between owners of adjoining estates regarding “line fences.”

Sealers of Weights and Measures. — Sealers of weights and measures receive the standard weights and measures from the town treasurers, who are supplied with them by the State treasurers, who in turn receive them from the United States government. The statutes forbid the use of weights and measures not vouched for by the sealers. These officers annually notify all persons using weights and measures to bring them to be tested and adjusted. When this has been done, the officer puts a mark or seal upon them.

Judicial Department. — Generally speaking, the courts through which justice is administered are under special control of the State, and they will be discussed under the judicial department of the State; but some form of the minor or lowest circle of courts, viz., trial justices, police court, or district court, has jurisdiction over minor cases in every town. Justices of the peace are elected by the towns of Vermont and Connecticut. But these are no longer the important officers they once were; they have authority to administer oaths, and, when especially commissioned to do so, may issue warrants and take bail, and join persons in marriage.

TOPICAL OUTLINE OF CHAPTER.

THE NEW ENGLAND TOWN OF TO-DAY.

- I. The colonial town compared with the town of to-day.
 1. The modern town has exactly defined territory.
 2. The State has laid upon it many new duties.
- II. The twofold function of the town.
 1. To manage local affairs.
 2. To carry out laws and perform certain duties for the State.
- III. The town meeting.
 1. Its influence on the citizens.
 2. The town warrant, illustrating the threefold business of the town meeting, viz.: —
 - (a) To elect town officers.
 - (b) To pass by-laws.
 - (c) To appropriate money, thus fixing the rate of taxation.
- IV. A list of officers elected and their chief duties.
- V. Judicial department.

CHAPTER VI.

VILLAGES AND BOROUGHES.

Villages.—Incorporated villages are found in some of the New England States — particularly in Maine and Vermont. Vermont has between forty and fifty of these. Village charters, outlining the frame of government and enumerating the officers and their duties, are granted by the State legislature. The village officers are usually three or more trustees or bailiffs, a clerk, assessors, and sometimes a village president.¹ A village is a thickly settled portion of a town. It is organized chiefly for financial and not governing purposes.² Its function is to provide for the protection, convenience, or improvement of this small territory, the expense of which the town as a whole is unwilling to assume. It is a sort of incipient city, and may organize and maintain a fire department, police force, waterworks, sewers, sidewalks, and lighting plant. But its inhabitants, unlike those of a city, are still subject to the regulations of the town, and take part in its government.

Boroughs.—In Connecticut there are municipal communities called boroughs, very similar to incorporated villages, and owing their existence to the same causes. Borough charters differ from one another in details, but in general they call for an annual borough meeting in which a warden, from four to six burgesses, a clerk, a treasurer, a bailiff or constable, three assessors, and an auditor are elected.

¹ Landon, p. 27.

² McDonald, p. 185.

CHAPTER VII.

CITIES.

Growth of Cities in United States. — The growth of towns, villages, and boroughs into cities, and of small cities into large ones, is one of the most striking facts in the political history of the United States.

The first United States Census was taken in 1790. At that time, there was only one city, Philadelphia, with a population of more than 40,000. In 1900, there were 93 cities of over 40,000, and three of these had over a million inhabitants each. In 1790, only one-thirtieth of the population of the United States lived in cities. To-day about one-third of all the people of this country live in cities. This remarkable growth of cities is parallel with, and in a large measure due to, the wonderful development of trades, commerce, and manufactures in the United States.

The various problems of city government are to-day the greatest civil problems which confront the people of this country.

Necessity for City Government. — There are two chief reasons why town governments are changed to city governments: —

1. When a town, village, or borough becomes large, its simple form of government becomes inadequate for the

protection, service, and control of its inhabitants. A form of government must be adopted that can cope with the problems of police and fire service; of protection of health; of public water, streets, lighting, schools, libraries, parks; of institutions of correction and charity; of municipal franchise; and of taxation and finance.

2. When a community has become so large that its voters cannot assemble in one place and carry on public business in the democratic manner of the town, some form of representation must be adopted.

When a community finds itself confronted with these conditions, it may apply to the State legislature for a city charter.

The city, like the town, is a creature and agent of the State, but at the same time is a means for limited local control and for providing for the safety and welfare of its inhabitants.¹

The City Charter. — The charter is the fundamental law of the city and gives it its particular form of government. It stands in somewhat the same relation to the city that the constitution does to the State, although, of course, the constitution is self-imposed by the people of the State, while the city charter comes from an external authority which may change it or take it away altogether.

In New England it is customary for a charter to be drawn up to meet the wishes of each individual city, and the State legislature grants it by special act. Therefore the charters, and hence the forms of government, of New England cities vary greatly.

¹ Wilcox, "The Study of City Government," p. 91.

We can, therefore, study together only the general features of the New England city. The student should, however, acquaint himself with the government peculiar to the city in which, or near which, he lives. A guide to such study will be found at the end of this chapter. See also the following chapter upon the city of Boston.

Wards and Precincts. — Each city, for convenience in voting, is divided into districts, called *wards*. The number of these is specified in the charter. These wards, if small, are voting precincts; if large, they are divided into precincts, and for each precinct the mayor and aldermen appoint the following officers : —

1. A warden and a deputy warden ;
2. A clerk and a deputy clerk ;
3. Two or more inspectors (in Massachusetts four) and deputy inspectors.

These officers are appointed from the two larger political parties. The duties of the warden are similar to those of the moderator of a town meeting ; he receives the ballots from the city clerk, and, after the voting is over, with the help of the inspectors, he sorts and counts the ballots, and takes them, with the unused and spoiled ballots and the check lists, back to the city clerk.

Executive, Legislative, and Judicial Departments of City Government. — In city government there is a somewhat clear-cut separation between executive, legislative, and judicial departments. These departments may be roughly outlined as follows : —

Executive Department: The mayor, together with the various other city officers, departments, boards, commissioners, etc.

Legislative Department: The city council, consisting of the mayor and aldermen, and the common council.

Judicial Department: Police (city or district) courts.

Mayor. — The mayor is the chief executive of the city, and is elected by the voters, usually for one year (in most cities of Connecticut for two years). The mayor is responsible for the enforcement of the laws, and has general supervision over the work of the various city officers, boards, and departments. In most New England cities the mayor is the presiding officer of the board of aldermen, and of the city council when the two boards meet in convention, but has no vote except in case of a tie. The mayor has veto power over all legislation passed by the city council, but a law may be passed over his veto, usually by a two-thirds vote of both chambers. It is his power of veto rather than his seat in the board of aldermen which gives the mayor his chief influence over legislation.

Mayor and Aldermen. — The mayor and aldermen form a board which exercises much the same powers in cities as do the selectmen in towns. The powers and duties of this board, however, vary greatly in different parts of New England. The most common powers of the board are :—

1. To control police matters; all police officers are appointed by the mayor subject to the approval of the aldermen.¹

¹ Boston and some other large cities have a police commission appointed by the governor and council.

2. To issue warrants for ward meetings.
3. To approve jury lists and draw jurors.¹
4. To lay out, alter, and care for streets.
5. To call a general meeting of the voters of the city.

Compare these duties with the duties of the selectmen of a town.

Council. — The city council is the law-making body. In most New England cities it is a two-chambered (bicameral) body, composed of the board of aldermen, called the upper house or branch, and the common council, called the lower house or branch.

The members of the board of aldermen are usually chosen by all the voters, one or more being selected from each ward. Some cities also choose a certain number of aldermen at large.

The members of the common council are more numerous, and are usually chosen by wards. Many New England cities (particularly those in Connecticut) choose aldermen and councilmen for two years, one-half of the body retiring each year. Most New England cities, however, still elect the members of these bodies annually.

Where the city council has but one chamber, it is sometimes called the "city council," and sometimes the "board of aldermen."

The powers of the council are given to it by the State legislature, and are set forth in the charter and in the general statutes. These powers may be classified under two heads :

1. Making local laws or ordinances.
2. Managing the finances of the city.

The city council represents the people, and should carry on the business of the city as the voters themselves would, if they still met in town meeting.

¹ The jury lists are made up by the registrars of voters in Massachusetts cities except in Boston, where the election commissioners have this duty (see page 53).

The chief duties of the city council are : —

1. To determine the amount of money to be raised and appropriated (subject to the debt limit set by the statutes).
2. To create public offices, to fix salaries, and in some cases to elect men to fill the offices.
3. To construct and care for public buildings and other public works.
4. To pass ordinances for the safety, order, and welfare of the public.

METHOD OF LEGISLATION IN A CITY COUNCIL.

The method of legislation differs somewhat in the various New England cities ; and if the student lives in or near a city, he should make a special study of the legislation in that city.

Standing Committees. — In order to facilitate legislation, each branch of the city council at the beginning of the municipal year appoints standing committees, and the branches together appoint joint standing committees. Most matters that come before the city council are referred to the proper standing committees for investigation and consideration.

After a committee have considered the proposed legislation, they report the matter to the council with their recommendation for action. The following are a few of the standing committees of a New England city council, which which will serve to show the composition and duties of such committees : —

STANDING COMMITTEES.

OF BOARD OF MAYOR AND ALDERMEN.

<i>Committee on</i>	<i>Composed of</i>
Laying out and repairing streets,	Mayor and two aldermen.
Licenses,	Three aldermen.
Police,	Mayor and two aldermen.

OF COMMON COUNCIL.

Bills in second reading,	Three councilmen.
Elections and returns,	Three councilmen.

JOINT COMMITTEES.

Buildings in fire district,	Two aldermen and three councilmen.
Charities, almshouses, and the poor,	} Two aldermen and three councilmen.
Roads, bridges, and sewers,	
City property,	Two aldermen and three councilmen.
Fire department,	Two aldermen and three councilmen.
Finance,	{ The mayor and one alderman,
	{ The president of common council and five councilmen.

The laws passed by a city council are called *ordinances*. A proposed ordinance before it is passed is called a *bill*. In the making of ordinances each branch of the council can exercise a check upon the other; that is, a bill in order to become an ordinance must be passed by a majority vote in each branch.

Concurrent and Joint Votes.—When each branch of a bicameral legislative body votes separately, one after the other, upon any matter, as instanced above, it is a *concurrent vote*; when they unite and vote together, it is a *joint vote*.

Steps in the Making of an Ordinance.—Any member of either branch of a council may present a bill. In most

cities the rules of the council require that a bill shall have two (in some cities three) readings, no two of which shall be had on the same day. The following routine, pursued by a New England city in the making of its ordinances, will serve to illustrate the method in use in all cities:—

1. Introduction of bill by a member.
2. *First Reading*, by president or clerk.
3. Referred to Committee on Bills in Second Reading.
4. This committee considers the bill and reports to council "Ought to pass," or "Ought not to pass."
5. *Second Reading* of the bill (which may be by title only).
6. Referred to the Committee of Enrolled Ordinances. This committee scans the wording and phrasing of the bill, makes a "fair copy," and reports it ready for action.
7. The vote now is upon the question, — *Shall the bill be ordained?* If the bill is passed,
8. It is signed by the president of the branch in which it has passed and sent to the other branch, where it goes through a similar routine. If passed by the second branch,
9. It is laid before the mayor for his approval by the clerk of the upper branch, who is, in most cities, the city clerk.
10. Ordinances are usually printed in the daily papers of the city a certain number of times before they go into effect. They are also printed and bound with the city charter.

No. 4.
CITY COUNCIL.
CALENDAR

FOR THURSDAY, MARCH 9, 1905.

UNFINISHED BUSINESS.

11. Order \$2000 medical inspection under direction of Board of Health.
2.9.05. In Common Council. Adopted and sent up for concurrence.
2.9.05. In Board of Aldermen. Laid on the table.
16. Order. Special appropriation \$7000, credit New Bedford Textile School.
2.23.05. In Common Council. Adopted and sent up for concurrence. Yeas 18, nays 0.
2.23.05. In Board of Aldermen. Laid on the table.

NEW BUSINESS.

19. Order. Relative to Return of Births by Physicians.
20. Order. Temporary Loan \$500,000.
21. Communication. Cumberland Naval Veterans, asking for \$50 for Memorial Day.
22. Order. Transfer \$50 from Unappropriated Funds to credit "Incidentals" for the purpose of aiding the Cumberland Naval Veterans Association in defraying the expenses of Memorial Day.

The Police, Fire, and School Departments are usually under the control of boards, each with a chief or superintendent chosen by the board. The police and fire boards are usually appointed by the mayor, although in Boston, as in some other large cities, the police board is appointed and controlled by the State. The school board is elected by the voters, usually by wards.

Other Officers. — The city clerk, treasurer, collector, assessors, auditor, solicitor or attorney, superintendent of streets, and city physician are usually elected by joint or concurrent vote of the council; although in some cities some of these officers are elected by the voters. They have duties similar to those of the same officers in towns. A large number of inferior officers, such as fence viewers, pound keepers, surveyors of wood, inspectors of commodities, commissioners of waterworks, trustees of public libraries, and other boards, are appointed by joint or concurrent vote of the council, or are appointed by the mayor, subject to confirmation by the aldermen. Whether the mayor and council have much or little appointive power depends upon whether the city is of the “centralized” or the “non-centralized” type.

Judicial Department. — City courts, like town courts, form a part of the State judicial department, and will be further discussed in the chapter on the State Judiciary.

Cities have courts, variously named police, district, municipal, and city courts. They consist of a justice, and one or two associate justices who hold court in the absence of the justice. These courts have jurisdiction in civil cases where the amount at issue does not exceed a certain sum (\$1000 in Massachusetts), and in criminal cases where the law allows but a short imprisonment or a small fine. In all cases appeals are allowed to the superior court.

The Boston municipal court has a chief justice, seven associate justices, and two special justices ; it has jurisdiction to the amount of \$2000, and its territory is the central part of the city. There are seven similar courts in the outlying districts of Boston, and one in Brookline. Hartford has both a city and a police court, the judge of the former being appointed by the common council of the city.

Comparison of Town Government with City Government.

— In the town we have seen that all the voters meet to act upon matters of legislation ; but in the city, the city council is the legislative body. At the head of the executive department of the town stands the board of selectmen ; but the mayor is at the head of the executive department in the city. The inferior officers are elected for the most part in towns by the voters in town meeting ; but in the city these officers are largely elected by the city council, or are appointed by the mayor subject to confirmation by the board of aldermen. In other words, town government is almost a pure democracy, while city government is representative.

TOPICAL OUTLINE OF CHAPTER.

CITIES.

- I. Growth of cities in United States.
The problems of city government the greatest civil problems of the day.
- II. The reasons for city government.
 1. Town government inadequate.
 2. Town meetings inconvenient.
- III. The charter the fundamental law of the city.
 1. Granted by the State legislature.
 2. Wards and precincts, and their officers.
- IV. Executive, legislative, and judicial departments of city government.
 1. Mayor.
 - (a) Mayor and aldermen.
 2. The city council, composed of
 - (a) Mayor and aldermen,
 - (b) Common council.

- V. Method of legislation in a city council.
 - 1. Standing committees.
 - 2. Concurrent and joint vote.
 - 3. Steps in making ordinances.
- VI. Police, fire, and school departments.
- VII. Other officers. — how appointed; duties.
- VIII. Judicial department.
- IX. Comparison of town and city governments.

OUTLINE FOR STUDYING THE GOVERNMENT OF A CITY.

The machinery of the city government in actual operation should be the basis of all study. The student should visit every department of the government a sufficient number of times to gain a general idea of its constitution and operation. It is best to begin with the legislative department. A fairly clear knowledge of the working of this department will require several visits, while many of the executive offices may be inspected, in a general way, in a single afternoon; and one or two visits to the local court will be sufficient.

Besides the text-book, there are needed for such study the following documents: —

- The city charter and ordinances,
- The municipal manual,
- A map of the city containing the ward lines,
- Copies of the city council calendar,
- Copies of bills in the various stages of their progress,
- The annual reports of all the administrative boards and departments.
- The printed forms used in the offices of the clerk, treasurer, auditor, and board of assessors,
- A copy of a declaration of taxable property,
- A tax bill,
- A check list of voters in each ward of the city,
- A copy of the tally sheets and records used at the polls for making returns to the city clerk,
- Sample ballots used at city, State, and national elections,
- A full set of legal forms used in civil and criminal cases,
- A quitclaim and a warranty deed, and
- A complete file of legal notices from the daily papers.

I. *The Legislative Department.*

1. Learn the official name of the city legislature; if it has two chambers, learn the name of each.
2. Learn the number of members and the officers of each chamber, how they are chosen, for how long, what qualifications they must have, and what salary they receive.
3. What are the two principal classes of business transacted by the city legislature? For what purposes may it levy taxes and appropriate money? Regarding what subjects may it pass ordinances?
4. Find out the number of standing and joint standing committees of the body, and get some idea of the kind of work they do.
5. What powers of appointment or of confirmation of appointments has the legislature or either branch of it? Compare the powers of the city council in this respect with those of the mayor.
6. What control has the city council over the administrative departments, such as the street department, the water board, or the school committee?
7. What power has the legislature to make contracts and to grant franchises?
8. Study the powers and duties of the legislature regarding the bonded debt and the sinking fund.

II. *The Executive Department.*

1. What is the mayor's official title? What is his term of office, and how is he elected? What is his salary?
2. What are his chief duties as executive head of the city government?
3. What power to make appointments has he? How are his powers of appointment limited? State the various ways that appointments to office are made in your city.
4. How can the mayor influence legislation?
5. Make a list of heads of departments, and mention their chief duties.
6. What executive powers has the board of aldermen?

III. *The Judicial Department.*

1. What courts are there in the city, and over what kind of cases have they jurisdiction? Is the judgment of these courts final?
2. How are the judges and the clerks chosen? For how long terms?
3. Outline the steps in the trial of a civil and of a criminal case.

CHAPTER VIII.

THE CITY OF BOSTON.¹

THE government of Boston may be profitably studied:—

(1) Because its history illustrates the growth of city government in all New England cities.

(2) Because even a brief study of its various lines of activity, its great undertakings, and the vast and complicated machinery with which it accomplishes them gives us some idea of the problems of a great city.

Town of Boston in 1822.—In 1822, Boston had grown to be a town of 45,000 inhabitants, 7000 of whom were voters. The town had been divided into twelve wards. There were “nine selectmen, whose chairman generally had charge of the police; twelve overseers of the poor; thirty fire wards; twelve school committeemen; twelve members of a board of health,—one chosen by each ward; twenty surveyors of boards; six fence viewers; six cullers of hoops and staves; nine cullers of dry fish; four field drivers; three inspectors of lime; two surveyors of hemp; two surveyors of wheat; two assay masters; a town treasurer, and a town clerk.”²

¹ Of course, teachers will understand that pupils are not expected to commit to memory the statistical data of this chapter. The chapter is intended for a type study. And it is thought that pupils will be interested to compare the government of their own city, in the points here given, with that of Boston.

² James M. Bugbee, in Johns Hopkins University Studies, Fifth Series, III, p. 20.

Inadequacy of Town Government. — The machinery of town government had come to be entirely inadequate. No hall would accommodate a meeting of all the voters. If a considerable portion of the voters attended a town meeting, only a few could get near enough to the moderator to take an active part in the business that was being transacted, or even to understand what was going on. So it came about that only the town officers and a few personally interested voters attended town meetings. It had become evident to thoughtful men that the purely democratic form of town government must be abandoned, and some form of representative government adopted in its place.

Reluctance of Voters to adopt City Government. — The voters of the town were very reluctant to give up their town meeting; and when, on March 4, 1822, the last act of the Boston town meeting was to accept the new charter that had been granted by the State legislature in the previous February, the vote — 2797 in the affirmative, and 1881 in the negative — shows how strong the feeling against the change was. “Not a few of the old residents who had fought under the eyes of Washington in the field, and under the eyes of Samuel Adams in the town meetings, looked upon the act which divided their great folk-mote into twelve separate and silent gatherings, where men delegated their rights to others, as the beginning of the end of democratic government.”¹

The First City Charter. — The city charter left the number of wards still twelve, and each of these formed a voting precinct. The chief executive of the city was a

¹ James M. Bugbee, in Johns Hopkins University Studies, Fifth Series, III, p. 23.

mayor, who should be chosen annually. The legislative body of the city consisted of eight aldermen chosen at large, and forty-eight councilmen, four of whom were chosen from each ward. The wards chose also one school committeeman, one overseer of the poor, and three *fire-wards* each. The mayor presided over the board of aldermen; and the councilmen chose a president from their own number. To these bodies, representing the people, was given the power to transact the legislative business that had hitherto been carried on by the voters in town meeting. The city council also chose the assessors, the auditor, the engineers of the fire department, the superintendent of streets, and many other inferior officers.

Revision of Charter. — In 1854 the charter was revised; and this revised charter, with numerous amendments since made, constitutes Boston's fundamental law. A comparison of the above outline of the first charter with the outline of the present government which follows, will show that the general tendency of the changes has been to increase greatly the mayor's power and to restrict the powers of the city council.

Present Government of Boston. — At the present time the mayor's term of office is two years, and his salary is \$10,000. He has power to appoint and remove many officers and boards, and to veto measures passed by the city council. His veto is not absolute; but it requires a two-thirds vote of the council to pass measures over it. His approval is required to make valid any contract or conveyance of city property. All acts of the school board necessitating the expenditure of money must be approved by him.

The city is now divided into 25 wards, containing from six to ten voting precincts each (in all 194). There are 13 aldermen and 75 common councilmen. Business is transacted largely by committees. There are nine standing committees and three special committees of the board of aldermen, and two standing committees and two special committees of the common council. There are 34 joint standing committees, each consisting of five aldermen and eight councilmen, whose business is to "examine, as often as they deem necessary, the accounts of public moneys received and expended by the several departments." There are nine joint standing committees on the following:—

Appropriations.	Ordinances.
Claims.	Police.
Finance.	Printing.
Legislative Matters.	Public Lands.
Schools and Schoolhouses.	

There are also eight joint special committees upon celebration of holidays, rules and orders, the mayor's address, etc.

The following table¹ enumerates the offices of the city of Boston, and tells how they were created, whether by charter or ordinance, and gives the officers and heads of departments. It describes how they are elected or appointed, and gives the time of election or appointment, the term of office as prescribed by statute or ordinance, and the salary received by each.

All officers appointed by the mayor are subject to confirmation by the board of aldermen, except those whose titles are starred.

¹ From the Boston Municipal Register for 1904.

BOSTON CITY GOVERNMENT.

No.	OFFICERS.	HOW CREATED.	APPOINTED OR ELECTED.		TERM.		SALARY.
			By WHOM.	WHEN.	BEGINS.	LENGTH OF.	
1	Mayor	Statute	Voters at large	Tues. fol. 2d Mon. in Dec. every 2d year	1st Mon. in Jan.	Two years	\$10,000
13	Aldermen	Statute	Voters at large	Tues. fol. 2d Mon. in Dec. annually	1st Mon. in Jan.	One year	1,500 each
75	Councilmen	Statute	Three elected by voters of each ward	Tues. fol. 2d Mon. in Dec. annually	1st Mon. in Jan.	One year	\$300 each
9	Assessors	Statute	Mayor	Annually, three	May 1	Three years	\$4,000 ¹
1	Auditor	Ordinance	Mayor	Annually	May 1	One year	6,000
7	Bath Trustees	Ordinance	Mayor	Annually, one or two	May 1	Five years	None
1	Building Commissioner	Statute	Mayor	Triennially	May 1, 1904	Three years	\$5,000
5	Cemetery Trustees	Statute	Mayor	Annually, one	May 1	Five years	None

7	Children's Institutions	Statute	Mayor	Annually, one or two	May 1	Five years	None
1	Trustees *						
	Clerk, City	Statute	City Council ²	January	1st Mon. in Jan., 1902	Three years	\$5,000
1	Clerk of Committees	Statute	City Council	January	May 1	One year	4,000
1	Collector, City	Statute	Mayor	Annually	May 1	One year	5,000
4	Election Commissioners ³	Statute	Mayor	Annually, one	May 1	Four years	3,500 ⁴
1	Engineer, City	Ordinance	Mayor	Annually	May 1	One year	6,000
1	Fire Commissioner *	Statute	Mayor	Triennially	May 1, 1904	Three years	5,000
3	Health Commissioners	Ordinance	Mayor	Annually, one	May 1	Three years	4,000 ⁴
5	Hospital, City, Trustees	Statute	Mayor	Annually, one	May 1	Five years	None
7	Hospital, Insane, Trustees *	Statute	Mayor	Annually, one or two	May 1	Five years	None
1	Institutions Registrar *	Statute	Mayor	Annually	May 1	One year	\$3,000
1	Lamps, Superintendent of ⁵	Ordinance	Mayor	Annually	May 1	One year	3,500
1	Law Officers : Corporation Counsel ⁶	Ordinance	Mayor	Annually	May 1	One year	9,000
5	Library, Public, Trustees of	Statute	Mayor	Annually, one	May 1	Five years	None

¹ Chairman, \$500 additional ; Secretary, \$200 additional.

² By concurrent vote.

³ Perform office of Registrars of Voters.

⁴ Chairman, \$500 additional.

⁵ Is also Superintendent of Streets.

⁶ Besides 7 assistants, 3 conveyancers, and a secretary, with annual salaries aggregating \$34,800.

BOSTON CITY GOVERNMENT — CONTINUED.

No.	OFFICERS.	HOW CREATED.	APPOINTED OR ELECTED.		TERM.		SALARY.
			By WHOM.	WHEN.	BEGINS.	LENGTH OF.	
1	Markets, Superintendent of	Ordinance	Mayor	Annually	May 1	One year	\$3,000
1	Messenger, City	Ordinance	City Council ¹	Annually	May 1	One year	4,000
5	Music Trustees	Ordinance	Mayor	Annually, one	May 1	Five years	None
12	Overseers of the Poor	Statute	Mayor	Annually, four	May 1	Three years	None
3	Park Commissioners	Statute	Mayor	Annually, one	May 1	Three years	None
7	Pauper Institutions Trustees *	Statute	Mayor	Annually, one or two	May 1	Five years	None
1	Penal Institutions Commissioner *	Statute	Mayor	Triennially	May 1, 1904	Three years	\$5,000
1	Printing, Superintendent of	Ordinance	Mayor	Annually	May 1	One year	3,000
1	Public Buildings, Superintendent of	Ordinance	Mayor	Annually	May 1	One year	3,600
1	Public Grounds, Superintendent of	Ordinance	Mayor	Annually	May 1	One year	4,000
1	Registrar, City ²	Statute	Mayor	Annually	May 1	One year	4,000
3	Schoolhouse Commissioners *	Statute	Mayor	Annually, one	June 1	Three years	3,500 ³

6	Sinking Funds Commissioners	Statute	Mayor	Annually, two	May 1	Three years	None
1	Soldiers' Relief Commissioner	Statute	Mayor	Annually	May 1	One year	\$3,500
5 ⁴	Statistics Trustees	Ordinance	Mayor	Annually, one	May 1	Five years	None
1	Streets, Superintendent of	Ordinance	Mayor	Annually	May 1	One year	\$7,500
3	Street Commissioners	Statute	Vote of the People	Annually, one	1st Mon. in Jan.	Three years	4,000 ³
1	Treasurer	Statute	Mayor	Annually	May 1	One year	6,000
2	Vessels, Weighers of	Statute	Mayor	Annually, two	May 1	One year	Fees
1	Water Commissioner*	Statute	Mayor	Triennially	May 1, 1904	Three years	\$5,000
1	Weights and Measures, Sealer of	Statute	Mayor	Annually	May 1	One year	3,000
10	Deputy Sealers	Statute	Mayor	Annually, ten	May 1	One year	1,600
1	Wire Commissioner	Statute	Mayor	Triennially	May 1, 1903	Three years	5,000
5	Art Commissioners	Statute	Mayor	Annually, one	May 1	Five years	None
3	Board of Appeal	Statute	Mayor ⁵	Annually, one	May 1	Three years	\$5 per hr.

¹ By concurrent vote.² Keeps record of births, deaths, and marriages.³ Chairman, \$500 additional.⁴ And City Engineer *ex-officio*.⁵ One appointed by the Mayor subject to confirmation by Board of Aldermen; one by Boston Society of Architects; and one by the Master Builders' Association. The two latter are subject to approval by the Mayor.

BOSTON CITY GOVERNMENT — CONTINUED.

No.	OFFICERS.	HOW CREATED.	APPOINTED OR ELECTED.		TERM.		SALARY.
			By WHOM	WHEN.	BEGINS.	LENGTH OF.	
3	Board of Police	Statute	Governor ¹	One in 1899, 1900, 1903, respectively July, 1894	May 1	Five years	\$4,000 ²
5	Boston Transit Commis- sioners	Statute	Mayor and Governor ³		July 1	Ends 1906	5,000
1	Loan Association, Work- ingmen's, one Director *	Statute	Mayor	Annually	3d Thurs. in April	One year	None
1	Loan Company, Collateral, one Director.*	Statute	Mayor	Annually	3d Wednes. in Dec.	One year	None
2	Managers of Old South Association	Statute	City Council ⁴	Annually	When elected	One year	None
2	Medical Examiners	Statute	Governor ¹	June 30, 1898		Seven years	\$4,000
2	Pilot Commissioners	Statute	Governor	Triennially	1904	Three years	Fixed by Marine Society
24	School Committee	Statute	Elected by voters	Annually, eight, at City Elec.	2d Mon. in Jan.	Three years	None

7	Tenement mission *	House Com-	(Special Com's'n)	Mayor	April 15, 1903	May 1	None
	Undertakers	Officer to transport Insane Persons	Statute	Bd. of Health	Annually	May 1	None
			Reg'l't'n	Mayor	Annually	May 1	\$1,200
		OFFICERS PAID BY FEES:					
9	Beef, Weighers of		Statute	Mayor	Annually	May 1	Fees
20	Boilers, Weighers of, etc.		Statute	Mayor	Annually	May 1	Fees
Many	Coal, Weighers of		Statute	Mayor	Annually	May 1	Fees
Many	Constables		Statute	Mayor	Annually	May 1	Fees
2	Fence Viewers		Statute	Mayor	Annually	May 1	Fees
2	Field Drivers and Pound Keepers		Statute	Mayor	Annually	May 1	Fees
1	Fish, Salt water, Weigher of		Statute	Mayor	Annually	May 1	Fees
Many	Grain, Measurers of		Statute	Mayor	Annually	May 1	Fees
Many	Hay and Straw, Inspectors of		Statute	Mayor	Annually	May 1	Fees
3	Hay Scales, Superintend-ents of		Statute	Mayor	Annually	May 1	Fees
1	Hoops and Staves, Cullers of		Statute	Mayor	Annually	May 1	Fees

¹ With the advice and consent of the Executive Council.

² Chairman, \$500 additional.

³ Three were appointed by the Mayor subject to confirmation by Board of Aldermen; and two by the Governor, with the advice and consent of the Executive Council.

⁴ By concurrent vote.

BOSTON CITY GOVERNMENT — CONCLUDED.

No.	OFFICERS.	HOW CREATED.	APPOINTED OR ELECTED.		TERM.		SALARY.
			By WHOM.	WHEN.	BEGINS.	LENGTH OF.	
1	Lime, Inspectors of	Statute	Mayor	Annually	May 1	One year	Fees
1	Marble, etc., Surveyors of	Statute	Mayor	Annually	May 1	One year	Fees
3	Petroleum, etc., Inspectors	Statute	Mayor	Annually	May 1	One year	Fees
4	of Upper Leather, Measurers	Statute	Mayor	Annually	May 1	One year	Fees
Many	of Wood and Bark, Measurers	Statute	Mayor	Annually	May 1	One year	Fees

If we keep in mind that this table gives only the principal officers and the heads of departments, and that there is a small army of superintendents, assistants, and secretaries that are not mentioned, we may get some idea of the vast complexity of the city's machinery, and of the enormous expense of running it.

JUDICIAL DEPARTMENT.

MUNICIPAL COURT OF BOSTON:—

Chief Justice.	Two Special Justices.
Seven Associate Justices.	Two Clerks.

DISTRICT MUNICIPAL COURTS, having one Justice and two Special Justices and a Clerk in each of the following:—

Brighton District.	Roxbury District.
Charlestown District.	South Boston District.
Dorchester District.	West Roxbury District.
East Boston District.	

All justices and clerks are appointed by the Governor.

TOPICAL OUTLINE OF CHAPTER.

THE CITY OF BOSTON.

- I. The town of Boston in 1822.
 1. Inadequacy of town government.
 2. Reluctance of voters to adopt city government.
- II. The first charter.
- III. Revision of charter in 1854.
- IV. The present government of Boston.
- V. Table enumerating the chief legislative, executive, and administrative offices, and showing how they were created; also showing how the officers are elected, and giving the length of their terms of office and their salaries.
- VI. Judicial department.
 1. Municipal courts,—central and district.

CHAPTER IX.

COUNTIES.

The County Chiefly a Judicial Subdivision. — We have seen how the early colonists brought with them the idea of the county as they had known it in England ; and how, for the better administration of justice, counties began to be formed very soon after the colonies were planted. While the town grew to be the chief legislative and executive unit in New England, the larger area of the county was adopted as the most convenient judicial unit. Therefore the legislative powers of the county are, as we should expect to find them, very limited. Even in the six New England States, there exists considerable difference in the machinery and functions of county government. But we may define the county in a general way as a group of adjacent towns organized and incorporated for convenience in the administration of justice, and for attending to a few other matters, pertaining chiefly to highways, bridges, etc.

In Rhode Island, the county seems to be simply a judicial area for holding courts and for electing a sheriff and the clerks of courts. In Vermont, the county court has especial powers in regard to highways. In Connecticut, the county is more important, but its financial administration is largely in the hands of a joint assembly of the State senators and representatives of the county, who make appropriations for county expenses and apportion the county taxes upon the towns. Maine and Massachusetts have more highly developed county governments, but even in these States the county has practically no legislative department ; hence its officers are either executive or judicial, and act under the laws of the State.

County Buildings. — Each county provides its own county buildings.¹ These consist of the jail, the courthouse for the county courts, the registries for the recording and the preservation of deeds, mortgages, wills, and court records. The town or city in which these buildings are located is called the shire town; some counties have two shire towns.

County Commissioners. — The administrative body of the county is a board of commissioners,² usually three³ in number, elected by the voters⁴ of the county for three or six years, one retiring every year or every two years.

The commissioners have charge of the county buildings in most States. In Maine and Massachusetts, they decide upon appropriations of money for the various county expenses, and apportion the county tax among the towns.⁵ They have power to lay out, alter, or discontinue highways.

Treasurer. — Each county elects a treasurer,⁶ who, besides receiving and paying out the county's money, has

¹ Boston provides the county buildings for Suffolk County.

² There are no commissioners in Rhode Island counties.

In Massachusetts the mayor and aldermen of Boston and the selectmen of Nantucket perform the office of commissioners in their respective counties.

There are also in Massachusetts two special commissioners in each county appointed for three years.

³ In Vermont there is but one commissioner, whose duties pertain chiefly to the sale of intoxicating liquors; he appoints agents in the towns to sell liquors for medicinal and chemical purposes.

⁴ In Connecticut they are appointed by the General Assembly for four years.

⁵ For the exercise of this function in Connecticut counties, see p. 60, note.

In New Hampshire the "County Convention," composed of representatives from the towns, levies the county taxes, and has general authority over the commissioners.

⁶ The city treasurer of Boston and the town treasurer of Nantucket act as treasurers in their respective counties.

charge of the standard weights and measures which the State furnishes to the county.

Register of Deeds.¹— Each county elects one or more registers of deeds who have their offices in the registries located in the shire towns. It is their duty to record all deeds and mortgages brought to them, so that the legal title to any real estate in the county may be ascertained at any time by anybody.

Register of Probate.¹— This officer is elected by the county, and has charge of the records, books, and papers of the probate court.

Sheriff.— The office of sheriff is one of the oldest civil offices of which we have knowledge, and in some respects it is one of the most important. Sheriffs are elected by the voters of the counties for terms of from two to four years.²

The sheriff's duties include both civil and criminal business.³ It is his duty :—

1. To preserve peace in his county.
2. To apprehend murderers and other criminals, to have the care of them, and to produce them in court at the proper time.
3. To summon juries and witnesses.
4. To have charge of prisoners, juries, and witnesses during sessions of the courts.
5. To execute the sentences of the courts.

¹ The register of deeds and the register of probate are county officers in Maine, New Hampshire, and Massachusetts. In other New England States their functions are performed by town or district officers.

² In Connecticut, four years; in Massachusetts and New Hampshire, three years; in Maine and Vermont, two years.

³ In Maine, he has especial charge of the enforcement of the liquor law.

6. To serve, either in person or through his deputies, the writs and processes of the courts.

The sheriff appoints his deputies, one of whom is the keeper of the jail.

County Clerk. — The county clerk is usually the clerk of the supreme judicial court during its sittings in the county, and of the superior court.¹ In Massachusetts he also acts as clerk for the county commissioners.

Other Officers found in some of the States are coroners, medical examiners, county attorneys or State's attorneys, prosecuting agents, and health officers. Vermont counties have a high bailiff, who performs the duties of the sheriff, if for any cause the sheriff becomes disqualified.

SUMMARY OF COUNTY OFFICERS.

Commissioners (usually three),	Register of deeds, ²
Treasurer,	Register of probate, ²
Clerk of Courts,	Coroner,
Sheriff,	Medical examiners,
County attorney.	

TOPICAL OUTLINE OF CHAPTER.

COUNTIES.

- I. The county a judicial subdivision with minor administrative powers.
- II. County buildings and shire towns.
- III. County officers and their duties.
 1. Summary of county officers.

¹ In Vermont, for the court of chancery also.

² In Rhode Island, Connecticut, and Vermont these are town or district officers.

CHAPTER X.

THE TRANSITION OF NEW ENGLAND COLONIES INTO STATES.

A Brief Survey of New England Colonial Governments in 1774. — As we traced the growth of town and county governments in the colonies before we proceeded to study these institutions as they now exist, so let us glance briefly at the development of the New England States from colonies before we proceed to study their present governments.

Just previous to the beginning of the Revolutionary War (1774), Massachusetts, Rhode Island, and Connecticut had charter governments. Their charters were really written constitutions which the English sovereign was bound to respect. In the government of each colony, the people were represented by an assembly chosen by them, and their representatives chose the governor's council. Rhode Island and Connecticut chose their own governors and may be said to have had a truly republican form of government. In Massachusetts, the governor was appointed by the king of England, and popular government was in other ways restricted.

New Hampshire was a royal province.

The people of Vermont, then known as "the New Hampshire grants," "were nominally under the jurisdiction of New York, but practically independent, obeying only the orders of their committees and of their cherished town meetings."¹

¹ Landon, "History and Civil Government of Vermont."

Maine was then a part of Massachusetts, from which it was not separated until 1820.

We may very briefly outline the governments of these colonies at that time as follows :—

CHARTER GOVERNMENTS.

RHODE ISLAND, CONNECTICUT, MASSACHUSETTS (INCLUDING MAINE).

Legislative department : The governor's council, or upper house, chosen by the legislature. House of deputies, or lower house, chosen by colonists. Veto by governor.

Executive department : Governor, chosen by colonists in Rhode Island and Connecticut; appointed by the crown for Massachusetts.

Judicial department : Judges, chosen by colonists in Rhode Island and Connecticut; appointed by governor with consent of the council in Massachusetts.

ROYAL GOVERNMENT.

NEW HAMPSHIRE.

Legislative department : Council appointed by crown or governor. House of deputies chosen by colonists. Veto by governor and by crown.

Executive department : Governor appointed by the crown.

Judicial department : Judges appointed by crown or governor.

Massachusetts.—Massachusetts may well be called the mother of the New England States. Her constitution, drafted by John Adams, was the model for New Hampshire, and in later years left its imprint upon the constitutions of Connecticut, Maine, and Rhode Island.

In the quarrel of the colonies with the mother country Massachusetts had been among the first to show the spirit of independence, and hence was the first to feel the displeasure of the British crown.

The regulating act passed by the British Parliament in 1774 practically suspended popular government in Massa-

chusetts. By this act the appointment of councilors was given to the king, and the appointment of all judicial officers to the governor, who since 1692 had been appointed by the king. Another act provided for transporting persons to England for trial. The colonists were forbidden to hold town meetings without the permission of the governor. The Massachusetts colonists emphatically denied the right of Parliament to annul their charter or to change their representative form of government.

In October, 1774, Governor Gage called upon the towns for an election of deputies to the general court, but he dissolved the court before the time of meeting. The deputies, however, met at Salem, organized into a provincial congress, and chose John Hancock president. This body discussed the affairs of the province, and appointed an executive committee, "The Committee of Safety."

On June 9, 1775, the Massachusetts colony, by advice of the Continental Congress, chose a council to govern them, "until a governor of his Majesty's appointment will consent to govern the colony according to the charter." This council administered the affairs of the colony until 1780. In this year a convention of delegates, chosen by the people, prepared a constitution. This was ratified by a vote of the people, and the State government of Massachusetts was organized in October, 1780, with John Hancock as first constitutional governor. Under this constitution, with its thirty-six amendments, made from time to time, Massachusetts is still governed.

New Hampshire. — The New Hampshire colony had no charter. Therefore, upon the withdrawal of its governor,

John Wentworth, the colony, acting on the advice of the Continental Congress, chose a representative body to draw up a temporary constitution (January 5, 1776).

This was the first frame of State government adopted by any of the thirteen original States. The permanent constitution under which, with its amendments, New Hampshire is still governed, was not adopted till 1783, three years after Massachusetts had adopted her constitution. This constitution was very closely modeled after that of Massachusetts; many of its provisions were copied almost word for word from John Adams's masterly work.

Rhode Island. — The charter of Rhode Island (granted by Charles II in 1663) was so satisfactory to her people, that in May, 1776, her legislature simply passed an act renouncing allegiance to the British crown; and Rhode Island continued to be governed under this instrument till the adoption of a constitution in November, 1842. Thus this charter existed as the chief law of Rhode Island for 179 years.

Connecticut. — The charter of Connecticut, like that of Rhode Island, was so satisfactory to her people that, after the outbreak of the Revolutionary War, the general assembly passed the following statute:—

“Be it enacted by the governor and council and house of representatives, in general court assembled, that the ancient form of civil government contained in the charter from Charles II, King of England, and adopted by the people of this state, shall be and remain the civil constitution of this state, under the sole authority of the people thereof, independent of any king or prince whatever; and that this republic is, and shall forever remain, a free, sovereign, and independent state, by the name of Connecticut.”

Vermont. — In 1777, a series of conventions met, and the last one, July 2, at Windsor, framed a constitution, and appointed a "Council of Safety." This constitution went into effect March 12, 1778; and the government was organized with Thomas Chittenden as first governor. From 1777 to 1791, Vermont existed as an independent State. It coined money, made commercial treaties with Canada, established post offices and mail routes, and was in every way a sovereign State. Vermont petitioned Congress many times for admission to the Union, under the Articles of Confederation, but owing to various jealousies was not admitted till 1791, when it became the fourteenth State, the first admitted after the adoption of the Federal Constitution.

Maine. — Since Maine was a part of Massachusetts, her colonial history has been already touched upon. When, in 1780, Massachusetts began her statehood under a constitution, she gave the "District of Maine" privilege to send four senators to the general court, and allotted to it one-tenth of her revolutionary debt.

As early as 1786, the people of the District of Maine began to agitate the question of separation from Massachusetts; but it was not until 1819 that, upon the petition of many towns of the district, the general court granted separation. A convention was held and a constitution drawn up, and, in 1820, Maine was admitted one of the States of the Union.

Written Constitutions the Safeguard of Civil Liberty. — In this brief review of the growth of New England colonial governments into State governments, we see that the

same ideas of civil liberty and self-government were operative in all. But the people were cautious, and thought that their officers, the agents of the people, no less than those of the British crown, should be restrained by safeguards. Therefore they adopted written constitutions.

TOPICAL OUTLINE OF CHAPTER.

TRANSITION OF NEW ENGLAND COLONIES INTO STATES.

- I. New England colonial governments at the beginning of the Revolution.
 1. Massachusetts, Rhode Island, and Connecticut under charter governments.
 2. New Hampshire under royal government.
- II. Massachusetts the first to feel the displeasure of the British crown.
 1. Her loss of popular government under the Regulating Act.
 2. Meeting of the Provincial Congress at Salem.
 - (a) The Committee of Safety.
 3. Government under the Council of 1775.
 4. Adopts her constitution in 1780.
- III. The temporary constitution of New Hampshire (1776).
 1. Her permanent constitution, modeled after that of Massachusetts, adopted in 1783.
- IV. Rhode Island governed under her original charter until the adoption of her present charter in 1842.
- V. Connecticut governed under her original charter until the adoption of her present charter in 1818.
- VI. Vermont.
 1. Constitutional conventions of 1777.
 2. Present constitution in effect in 1778.
 3. Existed as an independent State till admission to the Union (1791).
- VII. Maine.
 1. A district of Massachusetts till 1819, when separation was granted, and her constitution adopted.
 2. Admitted to the Union in 1820.
- VIII. Why the colonists thought written constitutions necessary.

CHAPTER XI.

PRESENT STATE GOVERNMENTS IN NEW ENGLAND.

STATE CONSTITUTIONS.

What a Constitution is. — At the close of the foregoing chapter, we saw how the colonists, just freeing themselves from England's arbitrary rule, thought of the constitution chiefly as a safeguard against their governing authorities. And as a brief definition, we may say that a constitution is the law by which the State controls the government, or, in other words, the law by which the people control their officers. But it is something more than that. The constitution is the fundamental law by which the State controls both its government and its members. It protects the citizen from injustice both at the hands of the officers of the people and at the hands of the people themselves.

The constitutions of the New England States, like those of all the older States, left to the control of their legislatures many things which now, as the more recent constitutions of the Southern and Western States show, are being put into State constitutions. Among these matters are, for example, the control of municipal and other corporations, of public debt, of public land, of town and county organization. New England State constitutions

are therefore much briefer than many of the newer constitutions.

General Features of State Constitutions. — The constitutions of the New England States differ somewhat in length, and in the amount of specific detail given in each. But we may classify their contents under four heads: (1) the preamble, (2) the bill of rights, (3) the frame of government, (4) miscellaneous provisions.

1. *The preamble* states: —

- (a) The object of government, — to secure the welfare of the people.
- (b) The source of government, — the will of the people.

2. *The bill of rights*, based upon the Magna Charta, declares equality of rights, and enumerates those rights of the people that the government is bound to respect. Some of these are: —

- (a) The right of self-government.
- (b) The accountability of officers to the people.
- (c) The right of personal protection.
- (d) Freedom from taxation without consent of people.
- (e) The right to free, complete, and prompt justice.
- (f) The right to security from unreasonable search and seizure of person and papers.
- (g) Freedom from excessive bail and excessive punishments.
- (h) The right to trial by jury.
- (i) Freedom of speech.
- (j) The right of people to assemble and to petition the legislature.

3. *The frame of government* enumerates the three departments of government, — legislative, executive, and judicial, states how they shall be constituted, and mentions in detail their functions.
4. *Miscellaneous provisions* provide for the control of a variety of matters, such as the qualification of voters, education, impeachment, and the militia; they contain a definition of treason; they give the form of the oaths of office, and fix the *style of enactment*, *i.e.*, the formal words with which every law shall begin; and, finally, they provide a method of amending the constitution itself.

It is particularly this part of the more recent constitutions mentioned above that has been so greatly enlarged.

Constitutional Amendment. — One of the miscellaneous provisions mentioned — that which provides for amending the constitution — deserves especial attention.

There are two chief steps in the process of amending a constitution: (1) The proposal, setting forth the exact words of the proposed amendment; (2) the ratification. The first step is generally taken by the legislature.

New Hampshire's legislature, however, cannot propose amendments; the constitution provides that every seven years the selectmen of the towns shall put into the warrant an article calling for a vote upon the question whether or not there is need of a revision of the constitution. If the majority of those voting favor a revision, the General Court must call a convention to revise the constitution.

In Massachusetts a proposal to amend the constitution must pass two consecutive legislatures (by a majority of all the senators, and by two-thirds of all the representatives present and voting) before it can be submitted to the people.

In Connecticut the proposal to amend the constitution must come from the house of representatives, be continued to the next General

Assembly, and then pass both branches by a two-thirds majority, before it is submitted to the voters at large.

Much the same method is followed in Vermont, except that the proposal must originate in the senate.

The ratification is by popular vote. A simple majority ratifies in all the States except Rhode Island ; there a three-fifths majority is necessary.

Every pupil should study the constitution of his own State and compare it with these general features, and also with the detailed description of the frame of government, its functions, its officers, and their duties, as described in the three following chapters. An outline for the guidance of such study is given at the end of Chapter XIV. See also Appendix C.

TOPICAL OUTLINE OF CHAPTER.

PRESENT STATE GOVERNMENT IN NEW ENGLAND.

State Constitutions.

I. Definition of a constitution.

The older constitutions compared with more recent ones.

II. Classification of the contents of constitutions.

1. The preamble.
2. The bill of rights.
3. The frame of government.
4. Miscellaneous provisions.

III. Amendment of constitutions.

1. The proposal generally by the legislature.
2. The ratification generally by popular vote.

CHAPTER XII.

PRESENT STATE GOVERNMENTS IN NEW ENGLAND (Continued).

THE LEGISLATIVE DEPARTMENT.

The law-making body of the State is a legislature¹ composed of a senate and a house of representatives. Its powers are, stated in a general way:—

1. To enact laws.
2. To constitute courts of justice.
3. To levy taxes.
4. To control expenditures of the State.
5. To provide for the election or appointment of officers whose election is not provided for in the constitution; and to prescribe their duties.

The Senate. — The senate has fewer members than the house of representatives; the number ranges from twenty-four in New Hampshire to forty in Massachusetts.²

Qualifications of Senators. — Various qualifications are demanded of members of the upper branch in the different New England States. In Massachusetts, the senator must have been an inhabitant of the commonwealth for five years immediately preceding his election.

¹ Called *General Court* in Massachusetts and New Hampshire, and *General Assembly* in Vermont, Rhode Island, and Connecticut.

² See Appendix B for full table of comparison.

Besides requiring one year's residence in the State, and three months' residence in the district, Maine requires her senators to be at least twenty-five years old. Vermont and New Hampshire set the age at thirty years, and New Hampshire demands also a residence of seven years immediately preceding election.

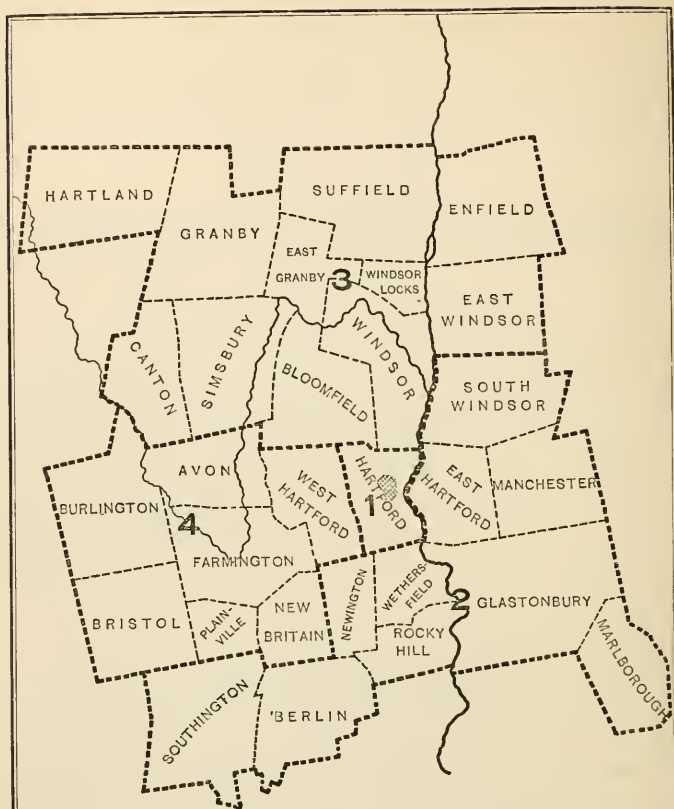
Senatorial Districts. — Members of both houses are chosen by popular vote, but there is great variety in the methods of determining the territory that each member shall represent. In Massachusetts, the general court at its first session after the taking of the State census (which occurs at intervals of ten years after 1865) divides the State into forty districts of contiguous territory so that they shall contain as nearly as possible an equal number of *voters*; but, however, no town or ward of a city is to be divided, nor are parts of two counties to be brought into one district where it can be avoided. Each district elects one senator.

The method of making senatorial districts in Connecticut is much the same, except that the general assembly redistricts the State at the first session after the United States Census is taken (1890, 1900, 1910, etc.) and that the districts are made as nearly equal as possible in number of *inhabitants*, not voters; there is also the further provision that each county shall have at least one senator.

The thirty senators of Vermont are apportioned to counties, from one to four each, according to population; but every county must have at least one, as in Connecticut.

The senate of Rhode Island consists of the governor and the lieutenant governor, *ex-officio*, and thirty-eight members, one from each town and city, regardless of size. Thus, in 1903, we find Providence with its 175,000 inhabitants and as many millions of property represented by one senator, as was the little town of Exeter with its 841 inhabitants and its valuation of but half a million.

New Hampshire presents another extreme of disproportionate representation in her senate by making *property* the basis of representation. A clause in her constitution says that "the legislature shall, from time



HARTFORD COUNTY

CONNECTICUT

SHOWING

TOWNSHIPS-----

SENATORIAL DISTRICTS-----1,2,3,& 4.

to time, divide the state into twenty-four districts as nearly equal as may be without dividing towns and unincorporated places; and in making this division, they shall govern themselves by the proportion of direct taxes paid by the said districts." So that in 1895 we find that district No. 1, in the northern part of the State, casting 5072 votes for senator, was represented by one man, as was district No. 16, comprising two wards of Manchester, in which 1445 votes were cast for senator.

Maine divides her territory into districts, and redistricts every ten years from the time of her admission to the Union, 1820, making the apportionment according to number of inhabitants.

Thus we find that members are elected to the senates of the New England States upon the following:—

BASES OF REPRESENTATION.

In Rhode Island,	Towns (regardless of size);
In Massachusetts,	{ Senatorial districts, size of which is determined by number of <i>voters</i> ;
In Maine, Vermont, and Connecticut,	{ Senatorial districts, size of which is determined by <i>number of inhabitants</i> ;
New Hampshire,	{ Senatorial districts, size of which is determined by <i>amount of taxable property</i> .

Quorum.—A quorum for doing business in either house consists of a majority of the members¹; but a less number may organize temporarily, adjourn from day to day, and compel attendance of absent members in such manner and under such penalties as each house may prescribe, or by law.

The House of Representatives.—The lower branch of the legislative body in the New England States is called the house of representatives. It is the branch of the law-

¹ In New Hampshire, "when less than sixteen senators shall be present, the assent of ten, at least, shall be necessary to render their acts and proceedings valid"; and in Vermont, for raising a State tax, two-thirds of the members must be present to constitute a quorum.

making body that most perfectly represents the people in every section of the State; and, therefore, the number of its members is much greater than that of the senate.

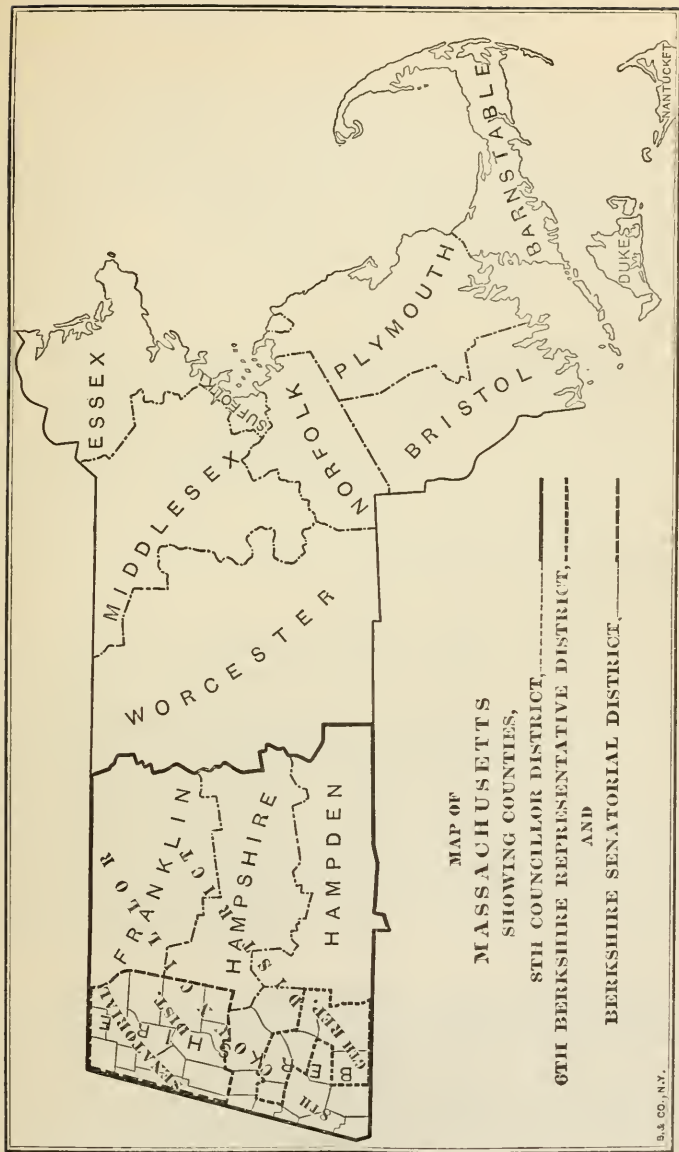
The number of members in the legislatures of the New England States, however, varies from 393 in New Hampshire (the largest house of representatives in any State in the Union), to 72¹ in Rhode Island.

Qualifications of Representatives. — In all the States candidates for representatives must, of course, be voters. Massachusetts requires that at the time of a man's election he shall have resided at least one year in the district for which he stands. Maine varies the requirement, demanding residence in the State one year, and in the town or district for which he stands three months, at the time of election. Vermont says that in order to be qualified to serve as a representative, a man must have resided in the State at least two years, during the last of which he must have resided in the town for which he is to be elected.

Representative Districts. — In Massachusetts, the legislature, at its first session after the State census, apportions the representatives to the counties according to the number of voters in each. Then the county commissioners, or a board chosen especially for the purpose, divide the county into districts without dividing any town or ward of a city. These districts elect from one to three representatives each, according to the number of voters they contain.

In Maine, the representatives are apportioned among towns, plantations, and cities, according to *population*. Each town of 1500 inhabitants is entitled to one representative, a town of 3750 may have two, and so

¹ Massachusetts has 240 representatives, Connecticut 255, Vermont 242, and Maine 151.



MAP OF
MASSACHUSETTS
SHOWING COUNTIES,
5TH COUNCILLOR DISTRICT,
6TH COUNCILLOR REPRESENTATIVE DISTRICT,
AND
BERKSHIRE SENATORIAL DISTRICT.

on up to places having 26,250 inhabitants, which may choose seven. Towns and organized plantations with fewer than 1500 inhabitants are grouped in districts having approximately this number.

In Rhode Island the 72 representatives are apportioned upon the basis of *population*, "but each town or city shall always be entitled to at least one member; and no town or city shall have more than one-sixth of the whole number of members to which the house is . . . limited."

In Vermont each *town or city* sends one representative to the house, thus giving the smallest town power in that body equal to that of the largest city.

The apportionment of representatives in Connecticut, as settled by the amendment of the State constitution in 1874, allows each town that in 1874 sent two representatives to the legislature to continue to do so; and each town that has a population of 5000 or more may send two representatives; but towns of less than 5000 inhabitants — unless they had two representatives in 1874 — may send but one member. The population of towns and cities is determined by the United States Census next preceding the election of representatives. Thus, in Connecticut, the little town of Union, which in 1900 had a population of 428, has as much power to tax New Haven, with its 108,027 inhabitants and its great wealth, as New Haven itself has.

New Hampshire presents some unique features in her apportionment of representatives. "Every town or place entitled to town privileges, and wards of cities having 600 inhabitants by the last general census of the State, taken by the authority of the United States or of this State, may elect one representative; if 1800 such inhabitants, may elect two representatives; and so proceeding in that proportion, making 1200 such inhabitants mean increasing number for any additional representative." And "whenever any town, place, or city ward shall have less than 600 such inhabitants, the general court shall authorize such town, place, or ward to elect and send to the general court a representative *such proportionate part of the time* as the number of its inhabitants shall bear to 600."

Privileges Common to Both Houses. — Each house is the judge of the election and qualification of its members. The members are privileged from arrest, except for treason, felony, or breach of the peace, during attendance upon sessions, or while going to or coming from them;

and for any speech in debate in either house no member may be called to account in any other place.

Each house chooses its own officers and makes its own rules of proceeding; it may punish non-members for contempt, and, in most States, punish its own members for disorderly conduct; it may, by a two-thirds majority vote, expel a member.

Peculiar Privileges. — The house of representatives¹ has sole power: —

(a) To order impeachments.

(b) To originate money bills.

The senate: —

(a) Forms the court to try impeachments made by the house.

(b) Has more or less power in appointing, and in confirming the governor's appointments.

Sessions and Elections. — Annual sessions are held in Massachusetts and Rhode Island, biennial sessions in the other States. Elections of State legislatures and of State officers are held in the autumn, — annually in Massachusetts and Rhode Island, and biennially in the other States, — but the legislatures do not convene till the first week of the January following.²

Organization. — The ceremonies of organization vary somewhat in the different States, but in all of them the

¹ In Vermont, the senate alone can propose amendments to the constitution; in Connecticut, this right is vested in the house of representatives.

² Vermont State election occurs in September, and its assembly meets on the first Wednesday of the following October.

members of the houses take oath (or make affirmation) of allegiance : —

1. To the Constitution of the United States.
2. To the constitution of the State.
3. To perform faithfully the duties of their offices.

Legislative Committees. — In our study of city councils we found that standing committees were employed as a means of facilitating legislation. In State legislatures standing committees are used to a still greater extent. At the beginning of each legislative session there are appointed certain standing committees of the house and of the senate, and certain joint standing committees composed of members of both houses. Through these committees most of the legislative business is done.

These committees are appointed by the speaker of the house, and either by the president of the senate, or are elected by the senate itself. There are committees on towns, banks, railroads, education, agriculture, fisheries, game, and many other subjects. Sometimes special committees are appointed to consider and report upon matters of temporary interest. The chairmen of joint standing committees are always senators ; but there is a *house chairman* also, who presides in the chairman's absence. These committees vary in size from three to twenty members.

How the Laws are made. — A measure that is proposed to the legislature is called a bill until it is made a law. All the New England States except Rhode Island require three steps for a bill to become a law : —

1. It must receive a majority vote in the house.
2. It must receive a majority vote in the senate.
3. It must be approved by the governor.¹

¹ In Rhode Island the governor has no veto power.

APPROPRIATION BILL. [Jan. 1905.

HOUSE No. 55.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Five.

AN ACT

Making an Appropriation for the Removal of
Wrecks from Tide Waters.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:—

1 SECTION 1. The sum of fifteen hundred dol-
2 lars is hereby appropriated, to be paid out of the
3 treasury of the Commonwealth, from the ordinary
4 revenue, for the removal of wrecks and other
5 obstructions from the tide waters, as provided for
6 by section twenty-two of chapter ninety-seven of
7 the Revised Laws, during the year ending on the
8 thirty-first day of December, nineteen hundred
9 and five.

(Appropriation 1904, \$1,500.)

1 SECTION 2. This act shall take effect upon its
2 passage.

The Process of Law-making. — There is considerable variation in the methods of law-making in the several New England States ; but the following outline of procedure, followed by the Massachusetts general court, will give a fairly good idea of the procedure in all the States.

Introduction of Bills. — Bills may be introduced into the legislature in three ways : —

1. The governor in his message may recommend certain legislation ; these recommendations are referred to proper committees, which may report bills thereon.
2. A member of either house may present a bill “upon leave,” that is, upon the consent of the house of which he is a member.
3. Legislative business may be introduced by petition from citizens. Petitions are usually accompanied by a bill covering the legislation sought, and are presented through some member of the legislature.

Bills referred to Committees. — Bills introduced in any of the above ways are at once referred to the proper committees. If a bill is accompanied by a petition, the committee to which it is referred usually announces a public hearing at a stated time at which both petitioners and remonstrants may appear and present their views upon the matter.

These hearings are announced through a Bulletin of Committee Hearings, published under the direction of the Joint Committee on Rules, twice a week ; and, of course, through the newspapers of the State.

Report of Committees. — The committee may report upon a bill favorably (“ought to pass”) or unfavorably (“leave

to withdraw"); in the latter case a member of the house may move to substitute the bill for the report of the committee.

First Reading. — In order to become a law, a bill must have three readings, no two of which may be on the same day, unless by vote of the house this rule is suspended in a particular case. When a bill is reported to either house by a committee, the presiding officer reads the title of the bill, and if no particular time is set for its consideration, announces that if there is no objection it will go into the orders of the next day. This is called *the first reading*.

The *orders of the day, or calendar*, is a printed list of bills which are to be acted upon.

Second Reading. — When, on the next day or the day set, the bill is reached in due order, the title is read. At this time each member is provided with a printed copy of the bill. This is called *the second reading*, and the question to be decided is, Shall the bill have a third reading? At this time the bill is discussed upon its merits; and amendments may be proposed and either acted upon at once, or sent back to the committee for consideration. Suppose the majority of the house vote to order a third reading, the bill is placed in the hands of the Committee on Bills in Third Reading. The business of this committee is to see that the bill is drawn in proper form and to report it back to the house (or the senate, as the case may be).

Third Reading. — Then the house proceeds to vote upon ordering the bill to be engrossed, that is, written out in large round hand upon parchment. At this *third reading*

SENATE.

CALENDAR FOR THURSDAY, JANUARY 19, 1905.

Senators are reminded that the time for filing petitions, memorials, bills, and resolves will expire at 5 o'clock P.M. on Saturday, January 21.

A joint convention of the two branches will be held at three o'clock, P.M., for the purpose of listening to an Address by the Honorable Henry Cabot Lodge on the Life, Character, and Public Services of the late George Frisbie Hoar.

The hour of meeting on Friday will be half-past twelve o'clock P.M.

ORDERS OF THE DAY.

16. Bill (H.) making appropriations for salaries and expenses in the department of the Secretary of the Commonwealth (House, No. 44). 2d.

[The committee on Ways and Means reports that the bill ought to pass, with the following amendments in section 1:—

Striking out, in line 41, the word "three," and inserting in place thereof the word "two"; and

Striking out, in line 46, the word "two," and inserting in place thereof the word "one."] [Parker.]

17. Bill (H.) making appropriations for salaries and expenses in the department of the Treasurer and Receiver-General (House, No. 48). 2d.

[The committee on Ways and Means reports that the bill ought to pass, with an amendment in section 1, striking out, in line 53, the words "thirty-five hundred" and inserting in place thereof the words "three thousand."] [Harding.]

also, the bill may be debated and killed, *i.e.*, defeated. If, however, the vote is in favor of engrossment, the bill goes to the other house, where it passes through the same routine.

Engrossment. — If the bill is ordered to be engrossed by the second house also, it is given to an engrossing clerk, and after being engrossed, is examined by the Committee on Engrossed Bills.

Enactment. — If this committee find it correct in every detail, it is again put before the house and then the senate to be formally enacted; then, after being signed by the speaker of the house and the president of the senate, the bill is laid before the governor for his signature by the clerk of the senate.

Governor's Approval. — If the governor signs the bill, it becomes a law. If he does not approve, he sends it back to the house in which it originated, together with his objections; it may even then, however, become a law by being again passed by a two-thirds majority¹ in each house; or the governor may keep the bill five² days, in which case it becomes a law without his signature.

Amendment. — If, in the course of its passage, a bill is amended by the second house, it goes back to the house in which it originated. This house votes whether it will concur in the amendment or not; if not, a committee of conference is usually appointed, which tries to settle the matter to the satisfaction of both houses.

¹ A simple majority in Connecticut and Vermont.

² Three days in Connecticut.

The Publishing of the Laws. — After each session of the legislature, the secretary of State has all the bills which have become laws bound and placed in safe keeping. The general laws of each session are printed and bound in a volume — called the “Blue Book” — copies of which are distributed gratuitously. The laws of these annual volumes are revised from time to time by a board appointed for the purpose, and printed as the Revised Laws of Massachusetts. If, then, one wishes to know what laws are in force in the State at any time, he must consult the latest Revised Laws, and subsequent annual Blue Books.

TOPICAL OUTLINE OF CHAPTER.

PRESENT STATE GOVERNMENT IN NEW ENGLAND.

The Legislative Department.

- I. The legislative department, composed of a senate and a house of representatives.
 1. The Senate.
 - (a) Qualifications of senators.
 - (b) Senatorial districts.
 2. The house of representatives.
 - (a) Qualifications of representatives.
 - (b) Representative districts.
 3. Privileges, — common, and peculiar.
 4. Elections and sessions.
 5. Organization.
 6. Committees.
 7. How the laws are made.
 - (a) Illustration, — procedure in Massachusetts general court.
- II. How the laws are published.

CHAPTER XIII.

PRESENT STATE GOVERNMENTS IN NEW ENGLAND (Continued).

EXECUTIVE DEPARTMENT.

Principal Executive Officers.—The work of the legislative department which we have been studying would be wasted, if the laws made were not executed. To execute the laws and administer the government is the business of the executive department. The principal executive officers in the New England States, as in most other States of the Union, are a Governor, a Lieutenant Governor, a Secretary of State, a Treasurer, an Auditor or Comptroller, and an Attorney General. There is also a Governor's Council in Maine, New Hampshire, and Massachusetts. The length of term of these officers is two years in all the New England States except Massachusetts and Rhode Island, where it is one year. The qualifications of executive officers, their salaries, and the methods of their election vary considerably in the different States. A table of comparison is given in Appendix D.

The Governor.—At the head of the State executive department, is the governor. He is elected by popular vote, and holds office one year in Massachusetts and Rhode Island and two years in the four other States. The

salary of this office varies from \$1500 in Vermont to \$8000 in Massachusetts.

While we speak of the governor as the chief executive officer of the State, we must not understand that he has any considerable control over the other executive officers. They are elected by the voters or are in a few cases appointed by the legislature, and are not responsible to the governor; they may be considered his colleagues.

The Powers and Duties of the Governor.—In colonial times the people were jealous of the power of their rulers. The English kings and the royal governors whom they appointed over the colonies often gave the people cause for this jealousy; and therefore when the colonies became States the powers of the governors which the people themselves elected were greatly restricted. While the powers of governors throughout our country are to-day much greater than they were in the early days of the Nation—and this is especially true in the newer States, and in those older States that have adopted new constitutions—still the governors in the New England States are hedged about with many restrictions. It often happens that the governor and his colleagues are of different political parties, and for this reason, or some other, fail to work in harmony. It is interesting to compare the organization of the executive power of a State with that of the federal government, and to note how different it is. The President appoints the officials who administer the federal law, and may remove them for cause; therefore they are directly responsible to him. Thus the United States executive government is *centralised*, while State executive government is *decentralised*.

Furthermore, the governor and other officials of the central administrative department of a State do not comprise the whole of the State executive. We have seen in previous chapters how certain executive powers are given by law to town, city, and county officers. While these officers execute State law, they are so little responsible to the central executive that they are regarded simply as local executives.

The governor's office is, nevertheless, a dignified and important one; and though he may have but little direct authority over the other executive officers, he is supposed to have general oversight over them and over the execution of the law, and he represents the State in its relations with other States and with the federal government.

The governor's principal powers and duties in the New England States may be enumerated as follows:—

1. He may call special sessions of the legislature when he thinks it advisable.
2. It is his duty to set forth in a message to the legislature the need of legislation in certain directions, and to recommend the passage thereof.
3. His most important legislative power is that of veto, which we have described in connection with the work of the legislature.
4. The governor may, in case of disagreement between the two branches of the legislature regarding adjournment, adjourn them to such a time as he shall think proper, though not beyond the date of their next regular meeting.

5. He has power, more or less restricted by his council or by one or both branches of the legislature, to pardon convicts, grant reprieves, and to commute sentences (except in the case of impeachment).
6. He is commander-in-chief of the military force of the State, and in most States commissions its officers.
7. He has a power of appointment varying in extent in the different States; for example, in Maine and Massachusetts, with the consent of the council, he appoints all judges, justices, medical examiners or coroners, notaries public, and numerous boards and commissions.

In States where there is no council the governor's appointments must generally be confirmed by the senate.

In Massachusetts and New Hampshire, the governor must sign all warrants for drawing money from the State treasury.

In Rhode Island, the governor is president of the senate.

Lieutenant Governor. — Massachusetts, Vermont, Rhode Island, and Connecticut have a lieutenant governor who, like the governor, is elected by vote of the people, and who becomes governor if for any reason the governor is disqualified or dies. In Maine and New Hampshire, in case of the governor's death or disqualification, the president of the senate becomes governor.

The lieutenant governor is a member of the senate in Rhode Island, and president of the senate in Connecticut and Vermont. He is a member of the executive council in Massachusetts, and in the absence of the governor presides over its sessions. He has but few duties and little power, and should, perhaps, be classed with the legislative rather than the executive officers.

The Executive Council. — The executive council is found in but three of the New England States. Maine has seven members, chosen from councilor districts by the legislature. Massachusetts has eight, and New Hampshire five, elected by the voters of the councilor districts. (See map, p. 79.)

In colonial times, the governor's council or court of assistants, as it was sometimes called, acted in three capacities: as advisers to the governor, as executive officers, and as the upper branch of the legislative body. From this early council in its legislative capacity, developed the senate, while from the same body in its executive and advisory capacity, came the executive council of to-day.

In the early days of their statehood, nearly all of the thirteen original States had a governor's council, but now only the three New England States mentioned above retain this body, whose chief office seems to be advisory and to serve merely as a check upon the freedom of the governor.

Secretary of State. — The secretary of State is elected by popular vote in all the New England States except Maine and New Hampshire, where he is chosen by joint vote of the senate and house of representatives.

The secretary's principal duties are :¹ —

1. To keep the records of the State.
2. To attest the governor's signature upon all State documents, and to affix to them the State seal (of which he has charge).

¹ In Rhode Island, the secretary of State is secretary of the senate. In Vermont, he is clerk of the senate and house when they meet in joint session.

3. To keep the original copies of all laws, and to have them published as we have before stated (p. 88).
4. To collect information from all parts of the State, and to publish it; and to publish also the reports of the different departments.
5. To provide and send to towns and cities the ballots, ballot boxes, and blanks used at elections.
6. To receive and record the results of elections.

Treasurer. — The treasurer's election, like that of the secretary, is by popular vote in all the New England States except Maine and New Hampshire, where he is chosen by the houses of legislature in joint convention. In Massachusetts he is eligible but five successive years, and in Maine but six.

The chief duties of the treasurer are : —

1. To receive all money coming to the State from taxation or other sources, and to pay out the same upon order or warrant of proper authority — usually that of auditor or governor.
2. To render to the legislature a detailed report of receipts and disbursements.
3. To have charge of the weights and measures which are by law made the standard of the State; and to furnish copies of them to town, city, and county treasurers.

Auditor. — An auditor ¹ is elected in all the New England States except Maine and New Hampshire. He is the financial bookkeeper of the State; and his duties are, among

¹ Called comptroller in Connecticut.

other things, to keep an account of all receipts and expenditures of the State, and of all debts due to and from the State; to examine all bills against the State, and to make out a certificate to the proper officer of each bill, with a statement of the law authorizing its payment. He examines annually the accounts of the treasurer; and presents a report to the legislature, in which he makes an estimate of the income of the State for the following year.

Attorney General. — All the New England States except Vermont have an attorney general. The different methods by which this officer is chosen in the New England States illustrate the various ways in which the choice of an executive officer may be made. He is elected by popular vote in Massachusetts, Rhode Island, and Connecticut; chosen by the legislature in Maine; and appointed by the governor and council in New Hampshire.

The attorney general is the legal adviser of the governor and other executive officers and of the legislature. He conducts all State cases in the supreme court. He advises district or county attorneys in the discharge of their duties, and may, when occasion requires it, appear for the government in county or superior court to prosecute persons charged with capital crimes.

Administrative Boards and Commissions. — The administration of much of the business of the State is given over to boards and commissions which are created by acts of the legislature. The members of these boards and commissions are appointed in some States by the governor and council, in others by the governor and senate, and in others by the legislature.

These administrative departments may be in charge of a single commissioner or superintendent, or of a board of commissioners, who usually administer the department through a superintendent whom they elect.

The terms of the single commissioners and of the members of the boards vary from one to eight years in the New England States; while the superintendents employed by the boards have practically unlimited terms.

In each of the New England States are found most of the following administrative boards:—

Education,	Gas and Electric Light,
Agriculture,	Industrial and Labor Sta-
Health,	tistics,
Insanity,	Insurance,
Charity,	Banks,
Prisons and Reformato-	Tax,
ries,	Bar Examiners,
Railroads,	Registration in Medicine,
Harbor and Land,	Dentistry, and Pharmacy,
Fisheries and Game,	Highways.

We shall discuss briefly the State departments of education in a chapter on education, but this is not the place to consider the other departments in detail; if any pupils are interested to study them, the annual reports of these departments are the best text-books for the study, and may be had for the asking. The pupil would do well to make an outline of the government of his own State, and compare it with Appendices C and D.

The Militia.—Each State has a body of citizens trained to military duty and to the use of arms, which it may call

out in time of need, but which may not be kept constantly under arms in times of peace, as a standing army is. The Constitution of the United States forbids any State to keep a standing army in time of peace, but allows it to establish a militia.

The active militia is composed of volunteers who meet as prescribed by law for regular drill and camp duty, for which a small compensation is allowed. The State furnishes uniforms, arms and equipments, and, in large towns and cities, armories in which the militia may be drilled.

The governor exercises his power as commander-in-chief through military officers whom he appoints, and who are called the governor's staff.

TOPICAL OUTLINE OF CHAPTER.

EXECUTIVE DEPARTMENT.

- I. Principal executive officers.
 1. Qualifications ; length of term ; salaries.
- II. The governor chief executive ; how elected.
 1. Powers and duties.
 - (a) Restrictions.
 - (b) Comparison with federal executive.
 - (c) A portion of the State executive department administered by local officers.
 - (d) Enumeration of governor's powers and duties.
- III. Lieutenant governor ; elected by popular vote.
 1. Limited powers and duties.
- IV. Executive council ; two methods of election.
 1. A remnant of the council of colonial days retained by but three New England States.
 2. Serves as a check upon the governor.
- V. Secretary of State ; how elected ; principal duties.
- VI. Treasurer ; how elected ; principal duties.

- VII. Auditor; how elected; principal duties.
- VIII. Attorney general; various methods of election; principal duties.
- IX. Administrative boards and commissions.
 - 1. Composition; how appointed; terms of office.
 - 2. Enumeration of departments.
- X. Militia; composition, duty, equipment, pay.
 - 1. Governor's staff.

CHAPTER XIV.

PRESENT STATE GOVERNMENTS IN NEW ENGLAND (Continued).

JUDICIAL DEPARTMENT.

Four Grades of Courts in New England States. — There are even more divergencies in the details of the judicial departments in the New England States than there are in the legislative and executive departments. Many of these seeming differences, however, are in name only. And we may roughly classify New England courts for the trial of civil and criminal cases as follows : —

Lowest series	{	Justices of the peace. Trial justices.
Second series	{	Police court. City court. Municipal court. District court.
Third series	{	County court. Common pleas court. Superior court.
Highest court,		Supreme court.

Besides the above, there are in each State probate courts which have charge of wills, inheritances, and other matters. And in Massachusetts there is a court of registration, which decides and confirms titles to land.

Justices of the Peace. — These are the lowest judicial officers. They have but small jurisdiction in most of the

New England States, viz., power to administer oaths, and in some States to perform marriage ceremonies. In Vermont and Connecticut, however, they may still try civil cases where the amount involved is small, and minor criminal cases.

Trial Justices.—Some justices of the peace are especially commissioned as trial justices. Besides having the powers of a justice of the peace, they have jurisdiction over offenses which the statutes punish by a small fine or a short imprisonment, such as breaches of the peace, trespass, petty larcenies, and gambling. They have jurisdiction also over civil cases where the amount at stake is small. Appeals may be had to county courts.

Police, District, Municipal, and City Courts.—Next above the justices of the peace and the trial justices, are the police, district, and municipal courts. There is also a court of slightly higher grade in Connecticut, called a city¹ court. These courts consist of a justice and one or more special justices who act in the absence of the justice. They have jurisdiction in civil cases where the amount at issue does not exceed a certain sum,² and in criminal cases where but a small fine or a short imprisonment is allowed by law. Appeals from this court are carried to the county court.

Municipal Courts of Boston.—Boston is divided into eight districts for judicial purposes, and there is a municipal court in each district.³ The court of the central district has a chief justice and seven associate justices, and

¹ Connecticut has also borough and town courts.

² One thousand dollars in Massachusetts.

³ See page 59.

has jurisdiction in cases where the amount at issue is not over \$2000. The courts of the other districts have the usual single justice and two special justices, and about the same jurisdiction as the ordinary police or district court.

Superior, Common Pleas, and County Courts. — The next higher court is the superior court (called common pleas or county court in some States). In Massachusetts the superior court consists of one chief justice and twenty-two associate justices; and at least two sittings must be held annually in each county. This court has original jurisdiction over all criminal cases and some civil cases; and has appellate jurisdiction over cases appealed from trial justices, police, and district courts.

In criminal cases its decision is final unless exceptions are taken to some ruling of the judge upon a point of law.¹

Capital crimes are tried before this court, and during such trials two justices must be present.

Maine has a superior court in but two counties. The work of this court in other counties is done by county sessions of the supreme court.

The common pleas division of the supreme court of Rhode Island also performs the work of the county or superior court.

New Hampshire has no superior or county court, but the work of the county is done by the supreme court of the State.

The Supreme Court. — The highest court in each State is the supreme court. In Massachusetts it consists of a chief

¹ See supreme court *law sittings* below.

justice and six associate justices, four of whom constitute a quorum. This court holds *law sittings*, at which a certain number of the justices must be present, and at which decisions upon points of law are made. It has also *jury sittings* for the trial of cases, held by single justices at prescribed times in each county of the State.

Probate Courts. — In each county of three States there is a probate court which consists of a judge who holds court at prescribed times and places.

In Rhode Island, each town has a court of probate; in many of these the town council act as judges.

In Connecticut and Vermont, probate courts are held in districts which are large or small according as the population is dense or sparse.

The probate court, like the justice's court and the police court, has no jury. The business of this court relates to the probate, *i.e.*, the proving of wills, the settling of estates of deceased persons, the guardianship of minors, and changes of name. Most of this business is carried on without any suits; but sometimes contests arise, and cases may be appealed to the county court or to the supreme court.

Territory over which the Various Courts exercise Jurisdiction. — Roughly speaking, the lowest of the four series of courts mentioned above has jurisdiction in towns; the second in large towns or groups of towns, and in cities; the third in counties (either in single counties or in all the counties of a State); and the supreme court, in the State.

Appointment of Judges and their Terms of Office. — There is in the New England States so much variation in methods

of election and appointment of judges, and in the length of their terms, that no general statement can be made regarding these points; but the student is referred to the tabular statement in Appendix E.

In the study of the judicial department, as in the study of the other departments, the student should make the local organization (in this case the local court) the starting point for all investigation.

Juries. — In the justice's court, police court, and municipal court, petty crimes, such as drunkenness, fighting, the destruction of property, and minor civil cases are tried. In these courts there is no jury (although in some States it must be had if the prisoner demands it), and the justice or judge hears the evidence and examines the witnesses and renders his judgment and sentence without any jury. But in the next higher grade of courts, — those whose jurisdiction extends over a county, — where the more important civil and criminal cases are tried, a jury is had. A jury is a body of men whose business it is to decide, from the evidence presented by the parties to the trial, the facts of a case,¹ and under the law as set forth by the judge, to "find a verdict."

The statutes of the different States describe the qualifications and duties of jurors in those States. Generally speaking, voters, except certain officers, professional men, and firemen, are liable to service as jurors.

Jury Lists. — We have seen that the selectmen in towns (p. 28), and the mayor and aldermen in cities (p. 38) have

¹ See James and Sanford's "Government in State and Nation," p. 72.

charge of the jury lists and the drawing of jurors. When the lists of names prepared by the selectmen or by the registrars of voters have been accepted by the town meeting or by the mayor and aldermen, each name is written on a small piece of paper and these pieces of paper put into a jury box and shaken up.

The Drawing of Jurors. — Before the sessions of the county or the supreme court, the clerk of the court sends the sheriff a writ calling for a certain number of jurors from each town and city in the county. This writ is presented to the selectmen or to the mayor and aldermen, as the case may be, and they draw from the jury box the names of a sufficient number of jurors. The men whose names have been drawn are notified by a writ (called a *venire*) delivered by a constable. This writ specifies the time and place at which the court will sit.

Classification of Cases. — Legal actions, or suits at law, may be classified under two heads: —

1. Criminal cases,
2. Civil cases.

Plaintiff and Defendant. — In every legal action, whether civil or criminal, the party who brings the suit is called the *plaintiff*, and the party against whom the suit is brought is called the *defendant*.

Criminal Cases. — In a criminal suit the object is to inflict some penalty for the violation of law. And though some individual has suffered by the crime that has been

committed, this crime is held to be against the State, and therefore the State is always the plaintiff.

Minor crimes may be tried in a justice's court or a police court; but more serious crimes must be tried in the higher courts (see pp. 100 and 101).

Civil Cases. — A civil action has for its object the restoration of property, the enforcement of contracts, or the recovery of damages for injury. Such cases arise between citizens or corporations, or between a citizen and a corporation.

Outline of Procedure in a Criminal Case. — Suppose A's house has been broken into and some property stolen. Some one, probably A himself, goes to a justice of the peace or to a police justice and files a

Complaint. — This is a written paper which states formally and exactly the name and residence of the accused, the crime with which he is charged, the time and place at which it was committed, and contains a request that he be arrested.

The Warrant. — The justice gives to a constable or a policeman a *warrant* for the arrest of the accused. The arrest is made, and the prisoner brought to the justice, who appoints a time for examination.

Subpœna. — The justice issues a writ called a *subpœna* to summon such witnesses as the complainant and the defendant wish to have testify.

Final Jurisdiction. — If the value of the stolen property is less than a certain amount set by law, the justice may,

if the crime is proved, pass sentence at once. In this case the court is said to have *final jurisdiction*.

Appeal. — If, however, the defendant is dissatisfied with the court's decision, he may *appeal*, and the judge must let the case go to the higher court, *i.e.*, to the county court.

Bail. — While the defendant is awaiting the sitting of the higher court, he must either go to jail, or avoid so doing by giving *bail*; that is, he may get responsible citizens to sign a bond to pay the government a certain sum of money, if he should not appear at the summons of the court. The justice fixes the amount of the bail. When charged with a most serious crime, the prisoner is not allowed to furnish bail. He must await his trial in jail.

Initial Jurisdiction. — If the value of the stolen property is above the limit set by law, the justice holds a *preliminary examination* of the accused and the evidence against him; if he finds probable cause for so doing he holds the prisoner (under bail) for the next session of the superior court, or until the meeting of the grand jury. In this instance the court is said to have *initial jurisdiction*.

The Grand Jury. — Before a session of the county court, or before a *jury sitting* of the supreme court, a number of jurors (twenty-three in Massachusetts) are drawn, whose duty is to hear the evidence against any person charged with a serious crime, and to decide whether or not the accused shall be tried.

The Indictment. — This is a formal charge drawn up by the county or district attorney.¹ If the grand jury, after

¹ Called State's attorney in some States.

hearing only the witnesses against the accused, decide by a majority vote that he shall stand trial, the foreman of the jury writes upon the indictment "a true bill." If the jury decide that the accusation is groundless, the foreman writes "not found," and the prisoner goes free.

Arraignment. — Suppose "a true bill" has been found against the prisoner; after he has been brought before the court, the indictment is read to him, and he is asked whether he is guilty or not guilty of the crime set forth in the indictment.

The Plea. — The prisoner answers either "guilty" or "not guilty." This is called the *plea*. If he pleads guilty, he may be sentenced at once; if he pleads not guilty, trial must be had.

The Petit Jury. — The first step in the trial is to choose from the jurors who have been summoned twelve men; these are sworn to decide the case from the evidence, and to render a verdict under the law.

Testimony. — Witnesses for each side are sworn, and give their testimony before the jury. The witnesses for the State are cross-examined by the counsel for the defendant, and the witnesses for the defendant are cross-examined by the prosecuting attorney.

The Arguments. — When the evidence is all in, the counsel on each side presents an argument in which he tries to influence the jury to give a verdict in his favor.

The Judge's Charge to the Jury. — The judge instructs the jury in regard to the law bearing upon the case, and

charges them that if they find from the evidence that such and such are the facts, they must render this or that verdict.

The Verdict. — The jury may agree upon a verdict at once. If they do not, they are placed in charge of an officer and kept in a room by themselves until they agree upon a verdict, or until it is evident that they cannot agree.

The Sentence. — If the jury bring in a verdict of guilty, the judge must sentence the prisoner; that is, the judge must tell the prisoner in open court what his punishment shall be.

Exceptions. — But, however, the verdict may not be the end of the trial. During the trial the counsel may take exceptions to some rulings of the judge. If these exceptions are allowed, they are sent to the Supreme Court, sitting in a *law term*. This court does not try the case anew; but hears the arguments of the counsel upon the exceptions, and decides to sustain or not to sustain the previous ruling of the lower court. If the ruling of the lower court is not sustained, a new trial must be had at some future term of the same court. If the ruling of the county court is sustained, the case goes back to the judge of that court for sentence.

Procedure in a Civil Case. — There is much diversity of procedure in civil cases. But it is easy to get the legal forms used in such cases, and the pupil can, with the knowledge he has of the procedure in criminal actions, outline the civil procedure for himself.

He will find, for example, that the first document used in a civil action is not called a *complaint*, but a *writ of attachment*; and that the last step in the action is taken under a *writ of execution*.

TOPICAL OUTLINE OF CHAPTER.

JUDICIAL DEPARTMENT.

- I. Four grades of courts in New England States for trial of civil and criminal cases.
 1. Lowest grade.
Justices of the peace.
Trial justices.
 2. Second grade.
Police court.
City court.
Municipal court.
District court.
 3. Third grade.
County court.
Court of common pleas.
Superior court.
 4. Supreme court.
- II. Probate court; court of registration.
- III. Justice of the peace.
 1. Limited jurisdiction.
 2. Trial justices have slightly higher jurisdiction.
 3. Appeals may be had to county or superior courts.
- IV. Police, city, municipal, and district courts.
 1. How composed; jurisdiction; appeal to county court.
 2. Municipal court of Boston.
- V. Superior, common pleas, and county courts.
 1. How composed.
 2. Jurisdiction.
 3. Appeal may be had in questions of law, and in some important cases, to supreme court.

- VI. Supreme court.
 - 1. Composition.
 - 2. Law sittings; jury sittings.
- VII. Probate court.
 - 1. Composition; jurisdiction.
 - 2. Appeal may be had to superior and to supreme courts.
- VIII. Territory over which the four classes of courts exercise jurisdiction.
- IX. Appointment of judges and their terms of office.
- X. Juries.
 - 1. Not used in all courts.
 - 2. Qualifications and duties of jurors.
 - 3. Jury lists.
 - 4. Drawing and summoning of jurors.
- XI. Classification of legal actions.
 - 1. Criminal cases.
 - 2. Civil cases.
- XII. Parties to a legal action.
- XIII. Outline of procedure in a criminal case.

1. Complaint.	11. The plea.
2. Warrant.	12. Petit jury.
3. Subpœna.	13. The trial.
4. Final jurisdiction.	<i>a.</i> Testimony.
5. Appeal.	<i>b.</i> Arguments.
6. Bail.	14. Judge's charge to the jury.
7. Initial jurisdiction.	15. The verdict.
8. Grand jury.	16. The sentence.
9. Indictment.	17. Exceptions.
10. Arraignment.	
- XIV. Procedure in civil actions to be outlined by the pupil and compared with the above outline.

OUTLINE FOR STUDYING A STATE GOVERNMENT.

Books and documents needed for reference. — Besides the text-book, the pupil should have at hand : —

- 1. A copy of the constitution of his State.
- 2. The Manual of the Legislature (called State Register in Maine and Connecticut, and the Legislative Directory in Vermont).

3. A complete file of ballots used at State and national elections ; sample bills from the senate and from the house ; a copy of the calendar of each house.
4. A copy of the volume containing the laws made during one session ; and the Revised Statutes.
5. The reports of the various administrative departments.
6. Miss Mabel Hill's "Liberty Documents."

The constitution will be found in the Manual of the Legislature ; and, with the exception of Miss Hill's book and the Revised Statutes, the other books and documents may be had for the asking.

- I. When, by whom, and under what circumstances was your State constitution made ?
- II. Does it lack any of the following parts ? —
 1. Preamble,
 2. Bill of rights,
 3. Frame of government,
 4. Miscellaneous provisions,
 5. Amendments.
- III. If there is a preamble, make an abstract of its contents.
- IV. The Bill of Rights :
 1. Derived from what sources ?
 2. Make a list of the rights enumerated, and compare them with those found in the *Magna Charta*, the English *Petition of Right*, and *Bill of Rights*, the *Declaration of Independence*, and the *Constitution of the United States*.
- V. The Frame of Government. (Compare each point with the outline in Appendix C.)
 1. *Legislative Department*.
 - a. What is its official name ?
 - b. What is each house called ?
 - c. How many members in each house, what are their qualifications, how elected, by whom, and for what term ? Draw a map of your senatorial and of your representative district.
 - d. What privileges do the houses have in common ?
 - e. What peculiar privileges has each house ?
 - f. How often does the legislature meet, and how long may it continue in session ?
 - g. How may bills be introduced ?

- h.* Follow a bill from the time it is introduced till it is signed by the governor, and make a list of the steps taken.
- i.* What power of appointment has the legislature or either house ?
- j.* What things can the legislature do without the consent of the governor ?
- k.* What has the legislature to do with Congress ? What with towns, cities, and counties ?

2. *Executive Department.*

- a.* The governor : his official title, qualifications, term of office, salary.
- b.* Is he elected by a majority or by a plurality ?
- c.* How may he influence legislation, — by veto or otherwise ?
- d.* What independent power of appointment has he ?
- e.* Is there an executive council ? If so, what are its powers and duties ?
- f.* Is there a lieutenant governor ? If so, what are his powers and duties ?
- g.* Name the other State officers and give their qualifications, terms of office, and duties.
- h.* What control does the governor have over the other State officers ?
- i.* What military power has he ?
- j.* What provision is made in case of his death, disability, or absence ?
- k.* Make a list of the chief administrative officers and boards, and state briefly their duties.

3. *Judicial Department.* (Compare Appendix E.)

- a.* What is the lowest court for the trial of civil and criminal cases ?
- b.* What is the highest court for the trial of civil and criminal cases ?
- c.* What are the intermediate courts for the trial of civil and criminal cases ?
- d.* What special courts are there ?
- e.* What kinds of cases are tried in each ?
- f.* Over what territory does each exercise jurisdiction ?

- g.* In which courts are juries used ?
- h.* When and where do the different courts sit ?
- i.* How are the judges for each court chosen, and for what term ?
- j.* What judicial power does the governor have ?

VI. Miscellaneous Provisions.

- 1. Do they limit the legislative, executive, or judicial departments ?
- 2. Are there any regulations regarding education, taxes, roads, towns, cities, and counties ?
- 3. What provision is there for amendment ?

VII. How many amendments has the constitution ?

- VIII. Is there any part of the constitution unwritten ? Think of the matter of nominations.

CHAPTER XV.

EDUCATION IN NEW ENGLAND.

The Beginning of Public Schools in America. — The history of public education in the United States has its beginning in New England. The government of Massachusetts contributed to the founding of Harvard College in 1636. The town of Dorchester claims the honor of having established the first public school supported by taxation in 1639.

In 1647, the General Court of Massachusetts passed an act requiring each town of fifty families to maintain a school in which pupils might be taught to read and write, and each town of one hundred families to maintain a grammar school, *i.e.*, a Latin school, which should prepare boys for college. Connecticut, in its code of 1650, made a similar requirement; and in 1652, New Haven began to agitate the question of founding a college. Although this movement was not immediately successful, it resulted later in the founding of Yale College in 1701.

Importance of Education. — It is especially important in a government like ours, a government of the people by the people, that the citizens be educated.

It is the business of a good government to defend the State, to secure justice to its members, and to promote their

general welfare. For all these reasons the government should see to it that every citizen has at least a common school education. As are the voters, so will be the government.

This is well expressed in the constitution of Massachusetts, Ch. V. sec. 2:—

“Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interest of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.”

Education in Charge of the Individual States.—In the United States Constitution there is no provision for instituting a national system of schools; indeed, that document mentions neither schools nor education.

Each State makes its own educational laws and establishes its own school system. The State, however, carries on the real work of education through the local governments of its towns and cities.

The business of education is so important, and so distinct from other functions of government, that there is in every State a somewhat separate and specialized machinery for carrying it on.

Two Unit Areas of School Administration found in New England States. — In former years New England towns were pretty generally divided into districts, to which the administration of the local schools was largely intrusted. This district system has been abolished in Maine and Massachusetts, but is still in use in many towns of other New England States.

Where, however, this smaller unit of administration is still in use, there are generally two sets of administrative officers; the town school board assumes control and oversight in purely educational matters, while a district board or "agent" has charge of the business part of the administration, such as furnishing and caring for the buildings, and providing for heating and lighting. The district agent usually hires the teacher, and in many places negotiates for his or her board.

But the town is gradually coming to be the unit area for school administration as it is for other governmental functions.

Ungraded Schools. — In all the less thickly settled towns, are found ungraded or "common" schools. All the pupils, from youngest to oldest, sit in one room; and one teacher hears all the recitations. A teacher with thirty pupils may have to hear twenty to thirty recitations daily. And yet these schools are not to be despised, for they have profoundly influenced the life of New England.

Graded Schools. — In the more thickly settled towns, in villages, boroughs, and cities, are found the so-called graded schools. Outside of New England eight grades or years below the high school are more common than nine. The

larger towns and cities of New England quite generally have nine grades, while the smaller cities, and even some of the larger ones, have eight grades below the high school. There seems to be a movement toward eight grades as a standard.

The first four years of school are known as the primary grades, the next four or five as the grammar grades. Following the grades come four years of high school.

The New England States require by law the maintenance of the above-mentioned schools except the high school; and Massachusetts requires her towns to provide high schools or to pay the tuition of their pupils in the high schools of neighboring towns or cities.

Compulsory Attendance. — Not only do the New England States require the maintenance of these schools, but they all compel by law the attendance at them of children between certain ages.

The following is an abstract of the laws of the New England States regarding compulsory attendance and the educational restrictions upon child labor:—

COMPULSORY EDUCATION.¹

STATE.	AGE.	ANNUAL PERIOD.	PENALTY ON PARENTS FOR NEGLECT.	EDUCATIONAL RESTRICTIONS ON CHILD LABOR.
Maine	7-14	Full term (minimum 20 weeks)	Not exceeding \$25, or imprisonment not exceeding 30 days	Children under 15 shall not be employed in any manufacturing or mercantile establishment, except during vacation, unless they have attended school 16 weeks during preceding year. Such school attendance must continue during employment
New Hampshire	8-14	Full term	First, \$10; subsequent, \$20	No child may be engaged under 14 years in any employment during school hours; 16 years, in any employment if unable to read and write English. No minor unable to read and write English may be employed unless attending day or evening school
Vermont	8-14	20 weeks	\$5 to \$25	Children under 14 (provisions similar to Maine and Massachusetts)
Massachusetts	7-14 ²	Full term (minimum 32 weeks)	Not exceeding \$20	Children under 14 may not be employed in factories, workshops, or mercantile establishments or in any other employment for wages during school hours; over 14, who cannot read and write English shall not be employed where there is an evening school unless they attend the same or day school
Rhode Island	7-15 ³	Full term	Not exceeding \$20	Children under 13 may not be employed except during school vacations
Connecticut	8-16 ⁴	Full term (minimum 30 weeks)	Not exceeding \$5	Children under 14 must have attended day school a prescribed period. Between 14 and 16, provisions similar to Maine and Massachusetts

¹ Adapted from U.S. Commissioner of Education's report corrected to 1902.² To sixteen, if wandering about public places without lawful occupation.³ Not applicable to children over 13 who are lawfully employed.⁴ Not applicable to children over 14 who are lawfully employed and not enrolled at school.

It will be seen by a glance at the above tabulation that, while each State fixes a minimum number of weeks per year during which each town must maintain a school, all the States, except Vermont, require the attendance of children between certain ages during the full time school is in session, whatever that may be.

Support of Public Schools. — Most of the money for the support of the public schools comes from local taxation. Each State, however, appropriates annually a sum from which certain amounts may be assigned to the smaller and less wealthy towns in accordance with the number of children of school age, and the amount of taxable property in them.

A third source of school support is the income of certain moneys held by the State as a school fund.¹

In Connecticut towns, there are also *town deposit funds*,² the revenue from which is applied to the support of schools.

State Normal Schools. — If the State provides schools and compels attendance, it must of course see to it that there are competent teachers. To meet this need State normal schools are established for the training of teachers. Massachusetts was again the pioneer in this direction. In 1839, just two hundred years after the opening of the public school by the town of Dorchester, Massachusetts established the first normal school in America. There are now ten State normal schools (including the Normal

¹ Massachusetts appropriates to the "school fund" \$100,000 annually until said fund shall amount to \$5,000,000.

² In 1837, when the United States divided its surplus revenue among the States, Connecticut deposited her share with her towns, requiring that the income be expended for the support of public schools.

Art School) in Massachusetts; three in Maine, one in New Hampshire, three in Vermont, one in Rhode Island, and three in Connecticut. Besides these twenty-one State normal schools, there are normal and training schools maintained by many of the larger New England cities for the especial purpose of training teachers for their own primary and grammar schools.

Private Schools. — Besides its public schools, New England has a large number of private schools and academies of all grades, from the kindergarten to the normal school. Many of these have a splendid history and a wide reputation.

Higher Education. — Many of the Western States support State universities, to which graduates of high schools in the State, or any citizens who have the equivalent of a high school education, are admitted, tuition free, or nearly so.

Only two of the New England States, Maine and Vermont, have such institutions. There is, however, in each State an agricultural college,¹ to which properly prepared students are admitted free, or by paying a small tuition fee.

The United States Government appropriates \$25,000 annually for each of these agricultural colleges.

Aside from the State normal schools, most of the institutions of education above the high school, in New England, are private institutions. The great number of these indicates that the New England people look with favor upon higher education. In the six States, we have, besides more than forty professional and scientific schools, some

¹ In Maine and Vermont the State university and the agricultural college are united.

twenty-five colleges and universities. Some of these are coeducational, that is, admit both men and women. Five of them are exclusively for women.

School Administration in Towns and Cities.—The administrative officer of the smallest educational area, the school district, is the “agent,” or the chairman of the board of trustees, who is elected annually by the voters of the district. As we have already seen (p. 31), each town and city at its annual election elects one-third of its school committee of three, or a multiple of three, for a term of three years; thus, the majority of the members of every school board have had a year or more of experience.

The duties of the school committee are definitely set forth in the statutes of each State.

In cities, the school committee appoint a superintendent who acts as their administrative agent. In country towns, the inspection of schools and the oversight of administrative details may be attended to by the members of the committee, or they may employ, either alone or uniting with another town or group of towns, a superintendent of schools. Massachusetts compels towns not able to employ the services of a superintendent for the entire time to unite in a district with other towns for this purpose.

County School Officers.—Except in Vermont, New England counties now have almost nothing to do with school administration. In former years some of the States tried county boards and county superintendents; but now administrative power in school matters has been very generally given to towns and cities, or assumed by the central State government.

In Vermont, each county has an examiner of teachers appointed biennially by the State superintendent of education and the governor. This officer conducts examinations of teachers for the county, under direction of the State superintendent arranges teachers' institutes, and furnishes statistical information to the State superintendent.

State School Administration. — There are two types of central school administrative machinery in New England : —

1. The state board of education, with its administrative secretary and agents.
2. The State superintendent of public schools.

The first is found in Massachusetts, Rhode Island, and Connecticut ; and the second in Maine, New Hampshire, and Vermont.

Massachusetts, in 1837, established the first state board of education in the United States. It consists of the governor and lieutenant governor *ex-officiis*, and eight members who are appointed by the governor for eight years, one retiring annually. The Rhode Island board has six members, and the Connecticut board four, besides the governor and lieutenant governor. In these States the members of the board are elected by the general assembly.

The State board has supervision of State normal schools, prescribes forms for school registers, and has general oversight of the educational interests of the State. It chooses a secretary¹ who acts as its administrative officer, and one or more agents.

¹ In Rhode Island this officer's official title is Commissioner of Public Schools.

The secretary's duties are chiefly advisory, directive, and statistical. While his actual power under the law is small, he may, through the collection of statistics and the publication of reports, and through other means, exert great influence for the improvement and systematizing of public school instruction throughout the State.

The State superintendent has duties similar to those of the secretary of the state board, but somewhat more power and responsibility, since he is not under the direction of a board. The State superintendent is usually a member of the board of trustees of the State normal schools, and thus has additional opportunity to make his influence felt upon the educational work of the State.

For the exact official titles of these officers, the methods of their appointment in different States, and their salaries, see Appendix D.

TOPICAL OUTLINE OF CHAPTER.

- I. New England the birthplace of the public school.
 1. Harvard College founded in 1636.
 2. The first public school in Dorchester in 1639.
 3. The Massachusetts law of 1647.
 4. The Connecticut law of 1650.
 5. The founding of Yale College in 1701.
- II. Importance of education in a democracy.
 1. As a means of defending the State.
 2. As a matter of justice to children.
 3. As a method of promoting the general welfare.
- III. No national system of education.
 1. Each State makes its own educational laws and establishes its own educational system.
- IV. Two unit areas of school administration in New England,—the district, and the town.
 1. The district gradually being abolished.

- V. Ungraded or "common" schools.
 - 1. Their disadvantages.
 - 2. Their influence upon New England life.
- VI. Graded schools in villages and cities.
 - 1. Nine grades (four primary, five grammar) in the larger New England cities.
 - 2. The State compels by law the maintenance of schools below the high school, and Massachusetts compels the maintenance of the high schools.
- VII. Compulsory attendance.
 - 1. Abstract of the laws regarding school attendance and educational restrictions on child labor in the New England States.
- VIII. Support of public schools drawn from three sources.
 - 1. Local taxation.
 - 2. State appropriation.
 - 3. Income of school fund.
- IX. State normal schools.
 - 1. First one established by Massachusetts in 1839.
 - 2. Twenty-one State normal schools now in New England.
- X. Private schools.
- XI. Institutions for higher education.
 - 1. State universities and agricultural colleges.
 - 2. Other universities, colleges, professional and scientific schools.
- XII. School administration.
 - 1. In town and city.
 - a.* The district agent or board.
 - b.* The town school committee.
 - c.* The superintendent in cities and larger towns.
 - d.* The district superintendent.
 - 2. County school officers not found in New England except the county examiner of teachers in Vermont.
 - 3. State school administration.
 - a.* Two types found in New England.
 - (1) State board of education with executive secretary.
 - (2) State superintendent.
 - b.* Duties and powers of the secretary of the State board.
 - c.* Duties and powers of the State superintendent.

APPENDICES

APPENDIX A.

QUALIFICATIONS FOR VOTERS IN NEW ENGLAND STATES.

The voter must be a man 21 years old. Australian ballot law or a modification of it in force in all the New England States.

STATES.	REQUIREMENTS AS TO CITIZENSHIP.	PREVIOUS RESIDENCE REQUIRED.				PERSONS EXCLUDED FROM SUFFRAGE.	REQUIREMENT FOR REGISTRATION OF VOTERS.
		IN STATE.	IN COUNTY.	IN TOWN.	IN PRECINCT.		
Conn.	Citizen of the U.S. who can read English.	1 yr.		6 mos.		Convicted of bribery, forgery, perjury, dueling, or theft, unless pardoned.	Registration required.
Maine	Citizen who can read constitution in English and write his name.	3 mos.	3 mos.	3 mos.	3 mos.	Paupers; persons under guardianship; Indians not taxed.	Required in cities and towns having more than 500 voters.
Mass. ¹	Same as Maine	1 yr.	6 mos.	6 mos.	6 mos.	Paupers(except honorably discharged U.S. soldiers and sailors) and persons under guardianship.	Registration required.

New Hamp.	Inhabitants, native or naturalized.	6 mos.	6 mos.	6 mos.	6 mos.	Paupers (except honorably discharged U.S. soldiers and sailors); persons excused from paying taxes at their own request.	Registration required.
R.I.	Citizen of U.S.	2 yrs.	6 mos.			Paupers; lunatics; persons <i>non compos mentis</i> ; convicted of bribery or infamous crime until restored to right to vote; under guardianship.	Non-taxpayers are required to register yearly before Dec. 31.
Vermont. ²	Citizen of U.S.	1 yr.	3 mos. ³	30 days		Unpardoned convicts, and deserters from U.S. army or naval service during Civil War.	Registration required.

¹ Women may vote for school committee.

² Women may vote on all matters pertaining to schools and school officers, in towns, cities, and graded school districts.

³ Three months' residence in town necessary in order to vote for representatives and justices of the peace.

APPENDIX B.

STATE LEGISLATURE.

STATE.	NAME.	THE STATE SENATE.				
		NO. OF SENATORS.	TERM OF OFFICE.	QUALIFICATIONS OF SENATORS.	SALARY.	QUORUM.
Connecticut	General Assembly	24	2 yrs.	A qualified elector of district	\$300 and mileage	Majority
Maine	Legislature	31	2 yrs.	Age 25 yrs. Citizen of U.S. 5 yrs. Resident of State 1 yr. and resident of town or district 3 mos. next preceding election.	\$150 and mileage	Majority
Massachusetts	General Court	40	1 yr.	Resident of State 5 yrs. next preceding election and district at time of election	\$750	Majority
New Hampshire	General Court	24	2 yrs.	Age 30 yrs. Inhabitant of State 7 yrs. next preceding election, and inhabitant of district at time of election	Presiding officer, \$250; others, \$200; mileage	Majority
Rhode Island	General Assembly	38	1 yr.	Qualified voter	\$5 per day and mileage	Majority
Vermont	General Assembly	30	2 yrs.	Age 30 yrs. Freeman of county	\$3 per day	Majority

APPENDIX B.

STATE LEGISLATURE.

HOUSE OF REPRESENTATIVES.					MEETING.	LENGTH OF SESSION.	ORIGIN OF BILLS.
NO. OF MEMBERS.	TERM OF OFFICE.	QUALIFICATIONS OF MEMBERS.	SALARY.	QUORUM.			
255	2 yrs.	Qualified electors and residents of town for which elected	Same as Senator	Majority	Biennial, Wed. after 1st Mon. in Jan.	Not limited	In either house, except constitutional amendments, which originate in House of Representatives
151	2 yrs.	Age 21 yrs. Other qualifications same as Senator	Same as Senator	Majority	Biennial, 1st Wed. of Jan.	Not limited	In either house, except bills for revenue, which must originate in House of Representatives
240	1 yr.	Resident 1 yr. next preceding election	Same as Senator	Majority	Annual, 1st Wed. of Jan.	Not limited	Same as Maine
393	2 yrs.	Inhabitant of State 2 yrs. next preceding his election, and inhabitant of town or district at time of election	Same as Senator	Majority	Biennial, 1st Wed. of Jan.	Not limited	Same as Maine
72	1 yr.	Qualified voter	Same as Senator	Majority	Annual, last Tues. in May at Newport then adjourned to Providence	Not limited but members receive pay for but 60 days	In either house
242	2 yrs.	Resident of State 2 yrs. and of town 1 yr. next preceding election	Same as Senator	Majority	Biennial, 1st Wed. of Oct.	Not limited	Same as Maine, except constitutional amendments, which originate in the Senate

APPENDIX C.

STATE GOVERNMENT OF MASSACHUSETTS IN OUTLINE.

I. LEGISLATIVE DEPARTMENT.

1. Senate, — forty members elected from senatorial districts for one year.
2. House of Representatives, — two hundred and forty members elected from representative districts for one year. Each house elects its own officers (secretary, messengers, door-keepers, etc.).

II. EXECUTIVE DEPARTMENT.

1. *Executive Officers.*

- (1) Governor, — elected by popular vote for one year.
- (2) Lieutenant Governor, — elected same as Governor.
- (3) Council, — eight members elected by the people from councilor districts for one year.
- (4) Secretary of State, — elected by the people for one year.
- (5) Treasurer, — elected annually by the people, but not eligible for more than five years in succession.
- (6) Auditor, — elected by the people for one year.
- (7) Attorney General, — elected by the people for one year.

2. *Administrative Officers.*

- (1) Insurance Commissioner, — appointed¹ by the Governor for a term of three years.
- (2) Tax Commissioner, who is also Commissioner of Corporations, — appointed by the Governor for a term of three years.

3. *Boards and Commissions.*

- (1) Board of Education, — the Governor, Lieutenant Governor, and eight members appointed for eight years.

¹ Appointments, unless otherwise stated, are made by the Governor with the consent of the Council.

- (2) Board of Agriculture, — the Governor, Lieutenant Governor, Secretary, and three members appointed for three years.
- (3) Board of Health, — seven members appointed for seven years.
- (4) Board of Insanity, — five members appointed for five years.
- (5) Board of Charity, — nine members, appointed.
- (6) Prison Commissioners, — three men and two women appointed for five years.
- (7) Railroad Commissioners, — three members appointed for three years.
- (8) Harbor Commissioners, — three members appointed for three years.
- (9) Gas and Electric Light Commissioners, — three members appointed for three years.
- (10) Board of Commissioners of Savings Banks, — three members appointed for three years.
- (11) Board of Arbitration, — three members appointed.
- (12) Bar Examiners, — members appointed by the justices of the supreme courts.
- (13) Boards of Registration, — the Board of Registration in Medicine, Board of Registration in Dentistry, and Board of Registration in Pharmacy; appointed.
- (14) Highway Commission, — three members appointed for three years.
- (15) Metropolitan Water and Sewerage Board, — three members, appointed.
- (16) Metropolitan Park Commission, — five members appointed for five years.
- (17) District Police, — Chief, and officers appointed for three years.
- (18) Officers of Militia, — appointed and commissioned.

III. JUDICIAL DEPARTMENT.

Supreme Judicial Court, consisting of a chief justice and six associate justices, appointed to hold office during good behavior. May be removed by the Governor, with consent of the Council, upon request of both branches of the Legislature, or by impeachment.

APPENDIX D.

THE GOVERNOR

STATE.	TERM OF OFFICE.	QUALIFICATIONS.	VACANCY IN OFFICE FILLED BY.	VETO POWER.	SALARY PER ANNUM.
Maine	2 years	Age 30 years; natural born citizen of U.S.; resi- dent of State 5 years at time of elec- tion	President of Senate; after him, Speaker of House	Yes; overruled by two-thirds vote of each house	\$2,000
New Hampshire	2 years	Age 30 years; inhabitant of State 7 years next preceding election	President of Senate; after him, Speaker of House	Yes; overruled by two-thirds vote of each house	\$2,000
Vermont	2 years	Resident of State 4 years next preced- ing election	Lieutenant Governor	Yes; overruled by simple ma- jority	\$1,500

APPENDIX D.
AND OTHER STATE OFFICERS.

NAMES.	TERM OF OFFICE.	SALARIES PER ANNUM.	HOW CHOSEN.	QUALIFICATIONS.
Seven Councilors	2 years	\$150, and \$2 per day and mileage	First ten are elected by Leg- islature; last two appointed by Governor	Councilors must be citizens of U.S. and resi- dents of State. Treasurer not eli- gible for more than six con- secutive years.
Secretary of State	2 years	\$1,500		
Treasurer	2 years	\$2,000		
Attorney General	2 years	\$1,500		
Adjutant General	2 years	\$1,000		
Supt. of Public Schools	3 years	\$1,500		
Five Councilors	2 years	\$3 per day and mileage	Elected by vo- ters	Same as Senator
Secretary of State	2 years	\$800 and fees	Elected by Leg- islature	
Treasurer	2 years	\$1,800	Elected by Leg- islature	
Adjutant General	2 years	\$1,000	Appointed by Governor	
Attorney General	5 years	\$2,200	Appointed by Governor and Council	
Supt. of Public Instruction	2 years	\$2,500	Appointed by Governor and Council	
Lieutenant Gov- ernor	2 years	\$6 per day during ses- sions	Elected by voters	
Secretary of State	2 years	\$1,700	Elected by voters	
Treasurer	2 years	\$1,700	Elected by voters	
Auditor of Ac- counts	2 years	\$2,000	Elected by voters	
Adjutant and In- specter General	2 years	\$1,000	Elected by Gen- eral Assembly	
Supt. of Educa- tion.	2 years	\$2,000	Elected by Gen- eral Assembly	

APPENDIX D — *Continued.*

THE GOVERNOR

STATE.	TERM OF OFFICE.	QUALIFICATIONS.	VACANCY IN OFFICE FILLED BY.	VETO POWER.	SALARY PER ANNUM.
Massachusetts	1 year	Inhabitant of State 7 years next preced- ing election	Lieutenant Governor	Yes; overruled by two-thirds vote of each house	\$8,000
Rhode Island	1 year	Qualified elector	Lieutenant Governor	No veto	\$3,000
Connecticut	2 years	Age 30 years; qualified elector of State	Lieutenant Governor	Yes; overruled by simple ma- jority	\$4,000

APPENDIX D — *Continued.*AND OTHER STATE OFFICERS — *Continued.*

NAMES.	TERM OF OFFICE.	SALARIES PER ANNUM.	HOW CHOSEN.	QUALIFICATIONS.
Lieutenant Governor	1 year	\$2,000	Elected by voters	Resident of State 7 years
Eight Executive Councilors	1 year	\$800 each	Elected by voters	Resident of State 5 years
Secretary of State	1 year	\$3,500	Elected by voters	Resident of State 5 years
Treasurer and Receiver General	1 year	\$5,000	Elected by voters	Resident of State 5 years
Auditor	1 year	\$3,500	Elected by voters	Resident of State 5 years
Attorney General	1 year	\$5,000	Elected by voters	Resident of State 5 years
Secretary of Board of Education	Unlimited	\$4,000 with \$500 traveling expenses	Appointed by Board of Education.	
Lieutenant Governor	1 year	\$500	Elected by voters	Qualified voter
Secretary of State	1 year	\$3,500	Elected by voters	Qualified voter
Attorney General	1 year	\$4,500	Elected by voters	Qualified voter
General Treasurer	1 year	\$2,500	Elected by voters	Qualified voter
Auditor ¹	1 year	\$1,500		Qualified voter
Commissioner of Public Schools		\$3,000		
Lieutenant Governor	2 years	\$500	Elected by voters	
Secretary of State	2 years	\$1,500	Elected by voters	
Treasurer	2 years	\$1,500	Elected by voters	
Comptroller	2 years	\$1,500	Elected by voters	
Attorney General	2 years		Elected by voters	
Secretary of Board of Education	Unlimited		Appointed by Board of Education	

¹ Insurance Commissioner *ex-officio*.

APPENDIX E.

OUTLINE OF THE JUDICIAL DEPARTMENTS IN THE NEW ENGLAND STATES.

MAINE.

TERRITORY.	NAME OF COURT.	SITTINGS.	NUMBER OF JUDGES.	APPOINTED OR ELECTED HOW.	TERM OF OFFICE.
State	Supreme Court	Law sittings, three times a year Trial sittings, two or three a year in each county	8	By Governor and Council	7 years
County	Superior Court Probate and Insolvency	In Cumberland and Kennebec counties Once or twice each month	1 1	By Governor and Council Elected by voters of the County	7 years 4 years
City and Town	Municipal or Police Courts Trial Justices Justices of the Peace and Quorum ¹	Daily As occasion requires	1 1 1	By Governor and Council By Governor and Council	4 years 7 years

State	Supreme Court	At Concord each month, except July and August	7	By Governor and Council	Till 70 yrs. of age
County	Superior Court	In each county, at least twice annually	1	By Governor and Council	Till 70 yrs. of age
	Probate Court	In each county, once or twice each month	1	By Governor and Council	Till 70 yrs. of age
City and Town	Police Court	Daily	1	By Governor and Council	Till 70 yrs. of age
	Justices of the Peace	As occasion requires	1	By Governor and Council	5 years

¹ Justices of the Peace and Quorum are commissioned to act in every county; whereas Trial Justices can act in the county for which they are commissioned only.

APPENDIX E — *Continued.*
 OUTLINE OF THE JUDICIAL DEPARTMENTS IN THE NEW ENGLAND STATES.
 VERMONT.

TERRITORY.	NAME OF COURT.	SITTINGS.	NUMBER OF JUDGES.	APPOINTED OR ELECTED HOW.	TERM OF OFFICE.
State	Supreme Judicial	Three annually at Montpelier	7	By General Assembly	2 years
	Court of Claims	Three annually at Montpelier	1	By General Assembly	2 years
	Court of Chancery	Two annually in each county by Judge of Supreme Court	1	.	.
County	County Court	Two annually in each county	1 Supreme Court Judge and 2 Assistant Judges	By General Assembly By freeman of county	2 years 2 years
District	Probate and Insolvency	One each month	1	By freeman of district	2 years
City and Town ¹	Municipal Court Justice's Court	Daily As occasion requires	1 1	Appointed by Governor Elected (from 1 to 15 in each town) by freeman of the town	2 years 2 years

State	Supreme Judicial Court of Registration (or Land Court)	Law sittings (full bench), at Boston and in some counties Jury sittings once or twice annually in each county ² At Boston daily	7 1 1 and 1 Assistant	By Governor and Council	During good behavior
County	Superior Court Probate and Insolvency	At least two annually in each county From once a month to once a week	In trials for capital crimes, 2 judges, other trials, 1 1	By Governor and Council By Governor and Council	During good behavior During good behavior
City, District, and Town	Municipal, ³ Police, or District Court Justices of the Peace Trial Justices	Daily Administer oaths, etc. As occasion requires	1 and 2 special 1 1	By Governor and Council By Governor and Council By Governor and Council	During good behavior 7 years 3 years

¹ A justice's court may be held in any town by any justice of the county.² Jury sittings of the supreme court for Dukes and Nantucket counties are held in Bristol County.³ The municipal court of Boston (central district) has a chief justice and seven assistants.

APPENDIX E — *Continued.*
OUTLINE OF THE JUDICIAL DEPARTMENTS IN THE NEW ENGLAND STATES.
 CONNECTICUT.

TERITORY.	NAME OF COURT.	SITTINGS.	NUMBER OF JUDGES.	APPOINTED OR ELECTED HOW.	TERM OF OFFICE.
State	Supreme Court of Errors	State divided into three districts. Sittings in each two to four times annually	5	Nominated by Governor; elected by General Assembly	8 years
Counties	Superior Court	Open in each county daily for certain purposes. Civil and criminal sessions at stated times in the year	1	Nominated by Governor; elected by General Assembly	8 years
	Court of Common Pleas	In five counties only, four to six times a year	1 in each county	Nominated by Governor; elected by General Assembly	4 years
District	District Court of Waterbury	Daily, for the greater part of the year	1	Nominated by Governor; elected by General Assembly	4 years
Districts	Probate Court	As occasion requires	1	Elected by voters of district	2 years
City, Borough, and Town	City Police, Borough, and Town Courts	Daily	1 and Assistant	Appointed by General Assembly ¹	2 years
Towns	Justices of the Peace	As occasion requires	1 ²	Elected by voters	2 years

State	Supreme Court (a) Appellate division	In Newport, Providence, and Washington counties	7	Elected by General Assembly	At pleasure of Assembly
Counties	(b) Common Pleas division	In each county four or more annually		Elected by General Assembly	At pleasure of Assembly
Districts	District Courts	Daily or several times a week	1	Elected by General Assembly	3 years
City	Police Court of Providence	Daily	2	Elected by City Council	
Towns and cities	Probate Court	As occasion requires	1	Elected by cities and towns; or if none are chosen, the town council acts as Probate Court	
Towns	Justices of the Peace	Authorized to take bail and issue warrants	1	Elected by the towns and cities, and commissioned by the governor	

¹ The Judge of the City Court of Hartford is elected by the Common Council of the city of Hartford.

² Each town may elect one-half as many as it has jurors.

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